

**ROE ON THE ROPES: THE POLITICS AND THE NEXT COURT FIGHT**

# THE AMERICAN Prospect

LIBERAL INTELLIGENCE

**JULY/AUGUST 2006**

Todd Gitlin: The  
Media Still ♥ Bush

Daniel Levy:  
Israel ☹ The Lobby

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**IS THE COMMON GOOD GOOD? FIVE RESPONSES TO  
TOMASKY'S ESSAY ON THE DEMOCRATS' FUTURE**

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*"War is the unfolding of  
miscalculations."*

— BARBARA TUCHMAN

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*Cover design by Reuben Dalke*

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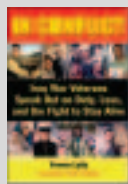
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# What's the Matter With Class?

**O**N JUNE 6, CALIFORNIA VOTERS DECISIVELY REJECTED a ballot initiative to provide tax-supported public pre-kindergarten. A special surtax would have touched only residents making at least \$400,000 or \$800,000 for a couple. It's hard to think of a better use

of social outlay for the middle class and the poor, or a better-targeted tax. Yet the measure lost, 61 to 39 percent. Yes, there were extenuating circumstances—low turnout, ambivalence of the state's political elite, and damaging fallout over the dual role of prime sponsor Rob Reiner, who also chaired a state-funded commission on early education.

But the defeat was no fluke. Two years ago, writing in the *Prospect*, Princeton political scientist Larry Bartels reported that voters of all classes supported repeal of the estate tax, which affected only the richest 2 percent. Even moderate-income voters who deplored rising inequality and supported activist government favored repeal by 2-to-1.

Last year, Bartels went on to challenge Tom Frank, author of *What's the Matter with Kansas?* Frank says social issues have filled a vacuum left by the failure of mainstream politics to address the crisis of the pocketbook, leaving working-class voters to vote against their own economic interests. Bartels faults Frank for overemphasizing class, though after criticizing Frank for multiple sins of methodology, Bartels concedes that "bread-and-butter economic issues are likely to be more potent than social issues" if Democrats are to reach downscale white voters.

The Democratic Leadership Council echoes Bartels' criticism. In a paper on the DLC Web site, economist Stephen Rose says only about one-fourth of working-age Americans have a "class-based" inter-

est in the pocketbook programs associated with traditional Democrats. He faults populists like Frank for "cling[ing] to an outdated concept of workers' interests, a holdover from the New Deal to Great Society era when a large blue-collar class was fighting for a fair share of the industrial economy's rewards."

**T**HE CONTENTION THAT DEMOCRATIC populists are mistakenly obsessed with the "working class" is a straw man. At least two-thirds of Americans today are economically stressed. American families are working longer hours to stay barely even. Productivity almost doubled during the past three decades, and all the gains went to the top 10 percent (most to the top 1 percent), because the right has so relentlessly undermined institutions of opportunity and security long championed by Democrats. The most successful of these, like Social Security and Medicare, are directed to everyone, not just the working class. As Stan Greenberg has long argued, it's possible—and necessary—to articulate a populism that speaks to everyone but the independently wealthy.

The tale of the service economy mooted working class politics is also a straw man. Regardless of the color of their collars,

ordinary earners of the postwar era enjoyed a larger and more secure share of the total pie than they do today, precisely because Democrats fought for their pocketbook interests. And voters reciprocated. This is the economic dimension of our colleague Michael Tomasky's widely quoted brief for the common good in our May issue.

The issue isn't just incomes. The right has moved working-class vulnerabilities upward, to the broad middle class. As Jacob Hacker demonstrates in an important forthcoming book, *The Great Risk Shift*, corporations as well as government once protected ordinary Americans from such risks as poverty in old age, and inability to pay medical bills. Corporations today are dismantling employer-guaranteed health and pension plans, shifting these risks back to working people—not just working-class people, but to everyone not independently wealthy.

So there is pay dirt in an economic populism that speaks to everyone who isn't rich. Of course, government bashing, often by Democrats as well as Republicans, has undermined the premise that tax-and-spend can help deliver opportunity and security. In a time of stagnant living standards and feeble government help, vot-

ing yourself a modest tax cut (even if richer people get a much bigger one) is often the easiest political recourse.

Some remedies, like a living wage, the right to unionize, secure pensions, and paid family leave don't require revenues. But it's hard to devise a serious opportunity program without public dollars.

Broad support for progressive taxation can be reclaimed only with political leadership. We need to restore faith that government can help both a middle class and a working class harmed by the elite takeover of politics. The bogeyman of class should not dissuade progressives from addressing the current class war by the top against the rest. **TAP**

— ROBERT KUTTNER

*Democrats are not too obsessed with the working class. Most Americans are economically stressed.*





## Prove Me Wrong

RARELY HAVE I FELT MORE conflicted about an essay than I did about Michael Tomasky's "Party in Search of a Notion" [June 2006]. On the one hand, I could only applaud his location, in civic republicanism, of a credo for the Democratic Party. As he correctly says, such a view of politics as based on the "common good" supplementing individual rights both gets at what Democrats believe and also what they should embrace to erase the perception that they are "without vision."

On the other hand, I am far less convinced than Tomasky that an embrace of civic republicanism makes for smart politics and far less optimistic about the Democrats' future. For one thing, his thumbnail history supporting his optimism is deceptive: pace David Brooks, the Democrats never really fled from such a vision in the period from the 1960s through the 1980s. While I would agree that this period did see the increasing dominance of the "rights-based" liberalism that Tomasky condemns and that the '60s and '70s did see increasing visibility for those kinds of liberal causes, civic republicanism didn't just disappear. On the contrary, the

*Democrats ceased  
emphasizing their  
central creed  
because their calls  
went unheeded.*

— DR. THOMAS BROCKELMAN  
SYRACUSE, NY

most important rights-liberal causes (voting rights, opposition to the Vietnam War) were at least as much about public welfare as they were about concerns with the individual. We cannot be a genuine democracy if democratic mechanisms don't accurately reflect the will of the people.

My point here is not simply that I resist Tomasky's revisionist condemnation of the '60s and '70s. Rather, I would argue that Democrats gradually ceased emphasizing their central creed of earlier eras because they had to, because calls for sacrifice on behalf of the common good went unheeded and led to political defeat. Think here of Carter's "pessimistic" call for shared energy sacrifice, Mondale's honesty about taxes, not to mention the earlier political disaster of the voting-rights act! When combined with an unscrupulous Republican Party willing to suggest that no sacrifice is ever necessary, we find a sufficient explanation for the unwillingness of contemporary Democrats to own up to the philosophy motivating their policies.

My assessment leads to far less optimism than Tomasky generates. Having agreed with him that the only hope for real progressive change

lies in a party that embraces its own core values, still I take that hope to be dim. On this one, though, I want to be proven wrong!

DR. THOMAS BROCKELMAN  
*Le Moyne College  
Syracuse, NY*

## The Dems Left Me

I'M 48, AND A LONG TIME ago I used to be in the middle of the Democratic Party. These days, I'm so far to the left—though my politics have barely changed—that the Democrats are something I can barely see on the horizon.

Which is why I was quite heartened to read Michael Tomasky's essay. One might quibble with some of his logic, but it's a pleasure to see someone telling the emperor he has no clothes. I wish I shared his optimism, because this Democratic Party bears little resemblance to the party that pulled us out of the Great Depression, won World War II, and did what needed to be done for the civil-rights movement. It lacks not only vision, but guts and compassion, and it can't see past the next election. Harry Truman integrated the Army, despite a background that might have inhibited others. What do we get? Hillary Clinton voting for this stupid war.

JEFF SIEGEL  
*Dallas, TX*

## Here's Your Theme

SO, THE DEMOCRATS WANT a theme. Here it is: A SECURE AMERICA.

On the domestic front: an America where Social Security guarantees the quality of life for older Americans; where a rational system of health care assures security in

times of illness and the prevention of illness; where the American way of life is secured from outrageous oil prices by a combination of rational energy conservation and regulation of the oil oligarchs; where the environment is secured for our children; where no child is left without the security of a real education; and where no employee is left without the security of a living wage.

On the world front: an America that is secure against terrorism through a system of alliances and international cooperation, through the rule of law which we uphold; an America that is secure from predatory oil states by a national strategy of energy conservation and development of new energy sources; and where our children stop dying overseas because we become the leaders of an international community committed to collective security.

NORMAN FAINSTEIN  
*President  
Connecticut College  
New London, CT*

**Corrections:** In the June issue, Jeanne Lenzer's article, "Blood Not-So-Simple," incorrectly stated that Durham County, North Carolina, has 8 million residents. It has just over 1 million.

Robert B. Reich's article, "Truly Locked in the Cabinet," misidentified the secretary of energy as Spencer Abraham. The current secretary is Samuel Bodman.

*Letters to the editors should be sent to letters@prospect.org or mailed to The Editors, The American Prospect, 2000 L St., NW, Suite 717, Washington, D.C. 20036.*

# Up Front



## UNDER THE RUG

**T**HE U.S. MILITARY SAYS IT'S CONDUCTING A THOROUGH investigation of the alleged November 2005 massacre of 24 Iraqi civilians in the town of Haditha. Skepticism may be in order. It's not that such investigators don't expend effort trying to get to the bottom of things. But one pattern of military and Pentagon self-examinations is worth noting. The most carefully examined incidents of abuse at Abu Ghraib were those that appeared in the notorious photographs.

Some incidents, such as the mysterious deaths of two Afghan detainees in December 2002, have caught the serious attention of military investigators only *after* they've been described in *The New York Times*. And Haditha wasn't investigated until a story appeared in *Time* in March. "It is another example of how the military is not very good at policing itself," says John Sifton of Human Rights Watch. "They act once the media has done a story." Moreover, the outcomes of past investigations cast doubt on the prospects of many higher-ranking officials facing accountability. Meanwhile, the Army is preparing a revised Field Manual with interrogation guidelines. Amnesty International's Jumana Musa says the manual may contain different guidelines for detainees or hide the guidelines in a secret annex. That could mean Army investigators will have more abuse cases to investigate in the future. Or not. Their choice, of course.

— TARA MCKELVEY

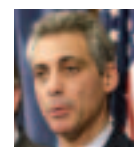
### STUPIDITY08.COM

Every few years, Americans' yearning for a third option besides the two major parties bubbles up in some misguided scheme to transcend the logic of the winner-take-all presidential election system. This year's hot new iteration, Unity08.com—a Web site set up by a few 1970s-era political consultants that is already the toast of the David Broder pundit set—has at least two twists. First, it's based on the Internet, which, apparently, will make the impossible possible. Secondly, its platform eschews hot-button cultural issues to focus on matters such as terrorism, the debt, America's dependence on foreign oil, global warming, education, and health care. That's a sensible platform. Of course, it's also basically the Democratic Party's platform, making the group's aim to select a bipartisan "Unity Ticket" somewhat odd. The stated rationale is that "both parties ... share responsibility for the current political morass." But why? Democrats haven't held substantial power for years—whatever's wrong with the country is somebody else's fault.

### PERVERSE INCENTIVES

Long-standing rumors about various Democratic factions' frustrations with Nancy Pelosi's leadership of the House caucus took a turn for the ridiculous in their most

recent incarnation. As Bob Novak wrote in June, "Talk is increasing among House Democrats that if they fail to regain control after 12 years of a Republican majority, Rep. Nancy Pelosi should be replaced as the party's leader in the House," with Illinois's **Rahm Emanuel** considered



the "logical replacement" by many. Leaving aside the fact that Emanuel

has been a congressman for nearly a whopping four years, he's currently the chairman of the Democratic Congressional Campaign Committee—the organization *charged with the task of winning the House for the Democrats in November*. Perhaps only the Democratic Party could consider it "logical" to plan on rewarding the person most responsible for accomplishing a task with a promotion in the event that he fails to achieve it. Nice work if you can get it.

### WACKY IN, WACKY OUT

Chief domestic policy adviser to the President has become *the* go-to position for eccentric petty miscreants. The former occupant of the post, Claude Allen, had to step down after getting caught defrauding Washington, D.C.-area Hecht's and Target stores through an elaborate theft scam. No sooner had President Bush appointed a replacement, Karl Zinsmeis-

ERIC PALMA; LANDOV

## THE QUESTION: TOM DELAY HAS RESIGNED HIS HOUSE SEAT! ANY NEW CAREER ADVICE?

"He should write his memoirs, but as fiction, *à la* James Frey. A nonfiction book by him couldn't pass the 'Oprah test.'"

— **Chris Bell**, former congressman, Texas gubernatorial candidate



"If he's not making license plates, he should become a carpenter. Since he tore down one house with hyper-partisanship, perhaps he can build a new one."

— **Donna Brazile**, Democratic consultant



"He should get a job training attack dogs. Then, he can join his condo association in Alexandria and destroy democracy in his neighborhood."

— **Congresswoman Louise Slaughter** of New York



ter of the American Enterprise Institute, than did stories of *The American Enterprise* magazine editor's bizarre behavior begin to surface. *The New York Sun* discovered that he'd doctored his own quotes in a *Syracuse New Times* profile that he republished on the *Enterprise's* Web site. (Editors at the *New Times* are considering legal action.) Then, some sleuthing by the *Prospect's* own Greg Sargent uncovered a falsehood in Zinsmeister's official White House bio. Heckuva job, Zinny.

### TIME AND AGAIN AND AGAIN ...

Shortly after news broke of the killing of Abu Musab al-Zarqawi, *National Review* Online Editor Katherine Jean Lopez passed along *NR* Senior Editor David Pryce-Jones's take to readers: "He calls al-Zarqawi's demise both a 'colossal morale boost' for all of us but says it also has 'big operational significance.' When you get rid of a leader, it's very hard to replace him. The Israelis have proved this time and again." And again. And again. In fact, we might ask why, if leaders are so hard to replace, the Israelis need to prove this so often.

### LOST IN THE "FLOOD"

The conservative *Washington Times* reported in May that—contrary to rumors and in spite of President Bush's Nixonian political unpopularity—"Republican candidates

are still flooding the White House Office of Political Affairs with phone calls asking the president to drop in for a fund-raiser and photo-op." This claim doesn't seem to check out. In advance of a



recent Bush appearance in Pennsylvania, Republican Congressman **Curt Weldon** told *The Wall Street Journal* that he wouldn't "be on hand" to welcome the President and that he hadn't asked for Bush's help. Earlier, an aide to Illinois gubernatorial candidate Judy Baar Topinka said the campaign would be happy to have the President attend a fund-raiser, as long as it was held "late at night, in an undisclosed location." Perhaps those calls "flooding" the White House were making a different request.

### LAST MAN STANDING

Speaking of Weldon, while he may be keeping the Prez at arm's length like other wary Republican incumbents, he certainly deserves credit for manfully upholding 2003-vintage Iraq War claims that even the White House itself has long since abandoned. As he told the *Delaware County Times* in June, "I think the jury is still out on WMD." He claimed to know of several sites in Iraq that had still not yet been searched for biological or chemical weapons, and reiterated his belief that

Saddam Hussein smuggled WMD into Syria (with Russian help) prior to the U.S. invasion. Reminder: He's a senior member of the House Armed Services Committee.

### OUT OF AFRICA

It's perhaps a troubling sign of the times that the "culture of corruption" in Washington may end up having its biggest electoral impact in Nigeria. FBI investigators working the case of (alleged!) über-corrupt Democratic Congressman William Jefferson say that Nigeria's vice president,

Atiku Abubakar, was planning to push a telecommunications bill in his country in exchange for thousands—potentially millions—of dollars in bribes (both at the front and back end) arranged (allegedly!) by Jefferson and his cronies. Abubakar is running for president in Nigeria and will no doubt be facing questions about these shenanigans back home. Jefferson, meanwhile, deserves credit for appearing to be the rare political crook energetic enough to dispense huge bribes as well as receive them. **TAP**

## PARODY

The industry-funded **Competitive Enterprise Institute** recently aired TV ads on global warming. The spot extols the virtues of carbon dioxide. "We breathe it out," coos a soothing narrator. "Plants breathe it in." The tone then turns ominous: "Now, some politicians want to label carbon dioxide a pollutant. Imagine if they succeed. What will our lives be like then?" The tagline, spoken over a shot of a little girl in a field blowing on a dandelion, is "Carbon dioxide: They call it pollution. We call it life."

Be sure to look for CEI's forthcoming ad campaign concerning Medicare:

**[Cue sinister music]**

**Narrator:** They're stretching our population to the breaking point—sapping precious resources, reducing the productivity of those who must care for them, hogging all of our precious nonsolid food. They're old people ... and they're fueling the global overpopulation crisis. Now, some politicians want to make the problem worse by continuing to keep them alive past the natural point with ... health care. Imagine if they succeed. What will our lives be like then?

**[Tagline]** Medicare: They call it humane. We call it a time bomb.





# It Takes a Movement

BY MARK SCHMITT

**I**F THE CURRENT REVIVAL OF PROGRESSIVE POLITICS were the civil-rights movement, the role of Rosa Parks would be played by Montana Governor Brian Schweitzer. Every child in America learns each February the story of how Parks one day decided that she just wasn't going

to take it any more and refused to move to the back of the bus. And from that spontaneous act of courage, the civil-rights revolution was born.

But behind Parks, there was a movement that kids never hear about. There was her summer spent studying nonviolent resistance at the Highlander Folk School in Tennessee, and the many people organized and ready to support the first person in Montgomery to defy segregation. Americans prefer stories of courageous individuals, forgetting the movements that make such courage possible.

Which returns us to Schweitzer. For a governor in his second year running the seventh least-populous state, Schweitzer cuts a large national figure compared to other successful red-state Democratic governors (there are 12, believe it or not, and as of May, their approval ratings averaged 59.2 percent). To his many champions, Schweitzer epitomizes the "Fighting Dem" and is credited with the "Montana Miracle" of 2004 in which Democrats took control of state government. Today, they have a good shot, with nominee Jon Tester, of taking back the U.S. Senate seat held by Conrad Burns.

Schweitzer is revered for his swaggering personal qualities—his straight talk, populist tone, and willingness to challenge both the oligarchs of the right and the perfectionist interest groups of the left. *Hostile Takeover* author David Sirota, a recent Montanan, calls him "the sharp tip of the spear, ripping through the thin veneer" of

Democratic complacency. Markos Moulitsas Zuniga and Jerome Armstrong, in their recent book *Crashing the Gate*, argue that Schweitzer won and carried other Montana Democrats with him by consummating "a complete divorce from Montana's progressive groups."

Recently, however, some Montana progressives have come forward to challenge the Schweitzer-centric myth. They like Schweitzer, but they think the way the story is being told is misleading and even dangerous. *Crashing the Gate* is a great book, and I share the view that a certain kind of interest-group politics is dead. But the Schweitzer skeptics have the facts on their side.

**I**N "REVISITING THE Montana Miracle," a short paper circulated last year, Terry Kendrick and Judy Smith, longtime activists in Montana women's groups, point out that Schweitzer chose a Republican state senator as his running mate "in an effort to take the political parties out of the campaign." Rather than divorcing the party from the interest groups, he put visible distance between himself and the party.

A second memo, "An Analysis of the Montana Miracle," by political consultant and labor organizer Don Judge, shows that Democratic success in legislative

racess did not come on Schweitzer's coattails. Rather, Schweitzer succeeded in Republican districts, where he outpolled losing Democrats, but he did poorly in seats that Democrats won.

Two success stories intersected in Montana in 2000—Schweitzer's ascent, built mostly on his own personality and largely independent of party, and the effort to rebuild the Democratic Party and progressive capacity. The 2004 election was the fourth in a row in which Democrats gained legislative seats, a success that Judge attributes to careful candidate recruitment and targeting of races.

Nor were progressive interest groups entirely held at bay. Ballot initiatives in 2004 drew progressive voters to the polls to keep a ban on cyanide-leach mining and to permit medical marijuana. The vote margins on those initiatives exceeded Schweitzer's in all but a few counties. Finally, progressive interest groups registered 42,800 new voters between the primary and general election in 2004, and the vast majority of them actually voted.

**S**O MAYBE THE FOCUS ON SCHWEITZER is incorrect. But what makes it dangerous? The Montanans argue that if the methodical work they've done to rebuild their once-progressive state is neglected, they could lose everything they've gained. Politicians with Schweitzer's natural talent come along rarely, and real political success depends on building a lasting movement that can support not only candidates who don't need that support, but also the many who do.

Schweitzer boosters like Moulitsas and Sirota salute him and Tester for understanding grass roots as well as "net-roots" politics, in contrast to the elitist, big-money politics they despise. What they sometimes overlook is that the grass roots themselves have to be tended, and candidates alone can't do that work. **TAP**

*Brian Schweitzer  
is the lone author  
of the "Montana  
Miracle," right?  
The real answer  
isn't so simple.*



# Fairy-Tale Failure

BY ESTHER KAPLAN

**E**VEN IN AN ADMINISTRATION FAMOUS FOR ITS contempt for science, the President's tortured case for abstinence stands out. He committed \$1 billion to abstinence-only programs abroad without a shred of scientific evidence that they prevent disease. Casting

about for justification, he and the virginity advocates who surround him latched on to one of the developing world's rare AIDS success stories: Uganda. In their fertile imaginations, the East African nation was a fairy-tale place where Christian morality had turned the epidemic around.

But their castle in the sky came crashing down in May, on the eve of a United Nations meeting on AIDS, when Uganda's AIDS commissioner announced that after years of decline, new HIV infections had almost doubled from 70,000 in 2003 to 130,000 in 2005. Devastating news.

Back in 1986, when Ronald Reagan had yet to make a single public speech about AIDS, Ugandan President Yoweri Museveni launched an ambitious HIV prevention campaign, which included massive condom distribution, explicit information about transmission, and messages about delaying sex and reducing numbers of partners. HIV rates dropped from 15 percent in the early 1990s to 5 percent in 2001.

But conservative think tanks and Christian right activists saw what they wanted to see. Uganda's balance of abstinence, being faithful, and condom use, or ABC, became abstinence, be faithful, with condoms "only as a last resort." It was common to claim, as Focus on the Family's James Dobson did in 2002, that, "Uganda has made great progress against AIDS by emphasizing abstinence, not condoms."

This rewrite became a mantra in Washington, as a third of Bush's global prevention money was set aside only for

abstinence. Soon, players among Bush's evangelical base, from Franklin Graham's Samaritan's Purse to Anita Smith's Children's AIDS Fund, began to rake in millions in federal grants to spread the abstinence-only message in Uganda. (Smith's proposal was rejected by a scientific review committee, but the head of USAID intervened.) Martin Ssempe, a local minister known for staging public condom burnings, joined the U.S. money train. Museveni himself began to sing the new tune. At the 2004 International AIDS Conference, he disparaged condoms as an "improvisation, not a solution." Uganda released a new HIV prevention plan based on A and B only, while Museveni's evangelical wife proposed a national census of virgins.

The coup de grace arrived in October 2004, when flaws in Uganda's leading condom brand spurred a recall. Supplies dropped from about 120 million a year to 30 million in 2005. The recall is over, but tens of millions of condoms now languish in warehouses awaiting government rebranding to convince the public of their safety. Meanwhile, government officials refuse to make a public statement reaffirming condom efficacy. "I've spoken with many young people who have tested positive," said

Beatrice Were, a prominent Ugandan AIDS advocate, "and the health centers simply have no free condoms to give them."

*The Lancet*, a British medical journal, recently attributed Uganda's surge in new infections to the condom shortage and the Museveni's campaign to remove the "C" from ABC. "There is no question in my mind," said Stephen Lewis, the U.N.'s Africa envoy, 10 months into the shortage, "that the condom crisis in Uganda is being driven and exacerbated by ... the extreme policies that the administration in the United States is now pursuing in the emphasis on abstinence."

Uganda's AIDS commissioner, Kihumuro Apuuli, is careful to support the Museveni's AIDS work. But outside the May U.N. meeting, he told the *Prospect* that while new infections are down among teenagers, they are rising among those over 20. "These are people who are not going to abstain," he said. "There must be evidence-based strategies—not moral strategies—if we are to break the cycle of infections." Were, who, like many Ugandan women, was infected with HIV though she was abstinent until marriage and faithful to her husband, said the collapse of sound HIV prevention will be difficult

to reverse. "Uganda's new morality-based approach has unleashed a wave of stigma against condom use, because now, if you ask for a condom, it must mean you have failed to abstain or be faithful," she said. "It is a terrible shame that the U.S. government has exported programs to Africa that have been proven to fail."

Bush's response? He rewarded Smith and others responsible for the Uganda debacle with seats on his delegation to the U.N. session on AIDS. **TAP**

*How Africa's one  
AIDS success story,  
Uganda, became  
a disaster when  
Christianity  
trumped science.*

*Esther Kaplan is a contributing editor at POZ, the national AIDS magazine, and author of With God on Their Side: George W. Bush and the Christian Right (New Press, 2005).*

# Dispatches

*“San Diego is the underbelly of the defense industrial complex,” says an observer. ‘Dirty things happen there, and there are different rules.’”*

— PAGE 16



Hey, Hey, LBJ, How Many Papers Are Secret Today?: The CIA isn't telling

## THE ACADEMY

### THEY'VE GOT A SECRET

*A scholar learns that even 40-year-old papers are suddenly off limits.*

BY MARIE COCCO

LARRY BERMAN DIDN'T REALLY believe that a journal article he was writing in 2004 would break much new ground in telling the story of Lyndon B. Johnson and his conduct of the Vietnam War. Berman, a political science professor at the University of California at Davis, already had published two books on presidential decision making in the mid-1960s, when LBJ devised and executed his tragic plan to escalate U.S. military involvement in Southeast Asia.

Berman concedes that he filed a routine Freedom of Information Act (FOIA) request for the release of Johnson's presidential daily briefs (PDBs)—the intelligence summaries the Central Intelligence Agency

prepares for the President each day—in part “as a matter of principle.” The briefs he wanted for the article are dated August 6, 1965, and April 2, 1968. They are part of the historical record, not contemporaneous accounts of current—or even recent—national-security matters. “The public has a right to know how these decisions are made,” Berman said in an interview.

Still, the professor wasn't surprised when the CIA denied his initial FOIA request; he knew the spy agency considers the President's daily briefs to be something akin to the crown jewels. So Berman appealed the initial denial to a federal court. And now, Berman finds himself enmeshed in the latest battle of

the Bush administration's secrecy wars.

In a legal showdown with deep implications for the writing of history itself, the CIA has argued that no PDB, even one that's decades old, can be declassified. To reveal any of them, the agency contends, would allow enemies of the United States to piece together a “mosaic” of information, and so jeopardize the country's security.

The CIA also argues that the daily briefs—which often include summaries of developments around the world and sometimes merely re-hash press accounts—constitute an intelligence “method” that can't be disclosed. In addition, the agency says the PDBs are part of a president's communication with his advisers, and so are shielded forever by executive privilege.

The arguments seem to leap beyond the bounds of reality.

HUNDREDS OF HOURS OF WHITE House tape recordings from LBJ's presidency already have been released to the public; anyone can listen to them over the Internet. They include conversations LBJ had with such top advisers as Defense Secretary Robert McNamara and National Security Adviser McGeorge Bundy. Even real-time recordings from the White House Situation Room that were made during the 1965 crisis in the Dominican Republic—which resulted in Johnson's dispatch of U.S. troops—are publicly available.

Tens of thousands of documents from the Vietnam era already have been declassified. At the Johnson presidential library alone, Berman contends in his court papers, are the work files of LBJ's top security aides. They cover such topics as the Gulf of Tonkin attacks and troop deployments, and contain detailed notes and transcripts of 120 meetings Johnson had with his senior civilian and military advisers during 1967 and 1968.

But an even stranger oddity undercuts

the CIA argument: A dozen PDBs from the Johnson White House already have been declassified. They're available in libraries and are posted on the Internet.

These include briefs dated the day before and the day after the two that Berman seeks. The August 7, 1965, brief outlines a naval skirmish between communist China and "two Chinese Nationalist patrol craft." It briefly summarizes the military situation in Vietnam, as well as political events in Indonesia and Greece. Other declassified PDBs from the Johnson White House concern developments in the 1967 Arab-Israeli Six Day War—arguably an event with greater security implications today than any secrets that might still be kept about Vietnam.

But the most famous declassified PDB of all isn't a musty historical document involving long-ago conflicts or long-dead politicians. It's the CIA brief given to President George W. Bush on August 6, 2001, and titled "Bin Ladin Determined to Strike in U.S." That document and a similar terrorism PDB given to President Bill Clinton were released—after much political pressure on the Bush White House—as part of the 9-11 commission investigation.

The CIA concedes these releases, as well as the declassification of some PDBs relating to John F. Kennedy's assassination. But it says the LBJ briefings were declassified by mistake. And it argues that the public's easy access to them has no bearing on its argument that even the release 40-year-old documents from the very same administration could still harm the nation's security.

**T**HE BOLDNESS AND BREADTH OF THE CIA's claim, and the initial ruling in the agency's favor by federal District Court Judge David F. Levi in Sacramento, have alarmed the nation's top historians and political scientists. They see decades of law governing public access to presidential records—many of them shaped by earlier fights over Vietnam-era documents and Richard Nixon's tapes and papers—as being eroded. The American Historical Association and several other academic research groups have filed an amicus brief in Berman's appeal, and such notable presidential scholars as Fred Greenstein and

Johnson biographer Robert Dallek are lending their prestige to the effort.

"What is this mosaic?" Dallek asked in an interview, referring to the novel CIA theory about damaging current security interests with the release of documents from a distant era. "What does this mean? This is an invention of some bureaucrat's imagination." Dallek says that his own work with declassified documents, as well as with audiotapes involving such figures as Johnson, Nixon, and Henry Kissinger, convince him that most efforts to keep historical papers secret are aimed at avoiding embarrassment, not shielding legitimate security information. "What it always does is impoverish our knowledge of our country's past, impoverish our history," Dallek says.

In its amicus brief, the historical association argues that having scholars obtain a "complete and accurate historic record" is vital to democratic society, because only with a full picture can the public understand how presidents come to make crucial decisions. The Johnson era is of particular interest, the historians say, because it was plagued by foreign-policy crises that were set against the backdrop

of the Cold War, a period necessary to understanding contemporary history and current geopolitics.

Berman's case mirrors the recent revelation that the CIA and a host of other federal agencies were routinely going through public files at the National Archives and reclassifying documents that had been public for years. Included among the reclassified material were documents showing a faulty CIA analysis of Chinese military intentions during the Korean War, and complaints from the CIA's director about bad publicity the agency endured after failing to predict anti-American riots in Colombia in 1948.

In this sense, Berman's case—now before a federal appellate court and possibly heading for the U.S. Supreme Court—is part of its own "mosaic." It's another piece of the expanding tapestry of secrecy the Bush administration seeks to throw over its own actions, and those of any other president who might one day be caught in the cold eye of historical truth. **TAP**

*Marie Cocco writes a column syndicated by The Washington Post Writers' Group.*

## POLITICS

# SOLIDARITY MAN

*Can Tom Vilsack really get New Democrats to back organized labor?*

BY ROBERT KUTTNER

**O**N APRIL 3, AT AN UNPUBLICIZED strategy meeting, Iowa Governor Tom Vilsack assembled AFL-CIO president John Sweeney, AFSCME president Gerry McEntee, and several other senior labor leaders with officials of the Democratic Leadership Council (DLC), including Clinton administration veteran and DLC president Bruce Reed. Vilsack, the current DLC chairman, encouraged the two factions to stop sniping and start collaborating. People around the table committed to a long-term process of detente. Then Vilsack asked each side what it wanted from the other. One of the union presidents said the DLC should support "card check," the process whereby a majority of employees at any workplace can sign union cards and

form an officially recognized union. (It's one of the labor movement's top legislative priorities, co-sponsored by 43 senators and 216 members of the House.) The DLC people, including Reed, agreed that this was a core Democratic position that the group could endorse. (DLC founder Al From was away on other business and did not attend the meeting.)

Card check is in effect in Canada. Under current U.S. law, however, even after a union collects a majority of cards, it then has to win an election. Businesses use the period between the card certification and the election to harass or fire now-exposed pro-union employees. A famous study by economists Richard Freeman and James Medoff calculated that something like one



worker in 20 gets fired for signing a union card. Penalties are small, and the appeals process is attenuated. Fired workers seldom get their jobs back. Card check short-circuits all this mischief. And DLC support would send a serious signal that New Democrats recognize the value of unions, and make card check a real possibility in a Democratic administration.

What's Vilsack up to? After two terms as a popular governor, he is stepping down this year and seriously considering a run for president. In a crowded second tier of candidates, Vilsack could vault into the first tier not only on the proposition that he gets elected in a middle-America swing state. He's the rare contender admired by both New Democrats and the labor movement.

**T**OM VILSACK HAS BEEN VERY good to us," Gerry McEntee says. Last year, McEntee asked the Iowa governor for a notable favor. Iowa's home-care workers, most of whom depended on reimbursements of public dollars, were paid very low wages and could not be unionized. Iowa, like most states, treated each of them as an independent contractor. Home-care workers—mostly women, many of them immigrants—averaged wages of about \$9.70 an hour, with no benefits, and they had to pay both the employee and employer share of payroll taxes. As independent contractors, child-care workers were paid a gross annual income of \$14,709, but because none of their costs were covered their median net take-home pay was just \$5,259, or only \$100 a week.

McEntee wanted Vilsack to emulate an idea successfully pioneered in California: Change the rules so that the home-care and child-care workers would be treated as state employees for bargaining purposes. Then let the union organize them, and push for higher wages. Yes, it would cost the state more money, but more satisfied and professionalized workers would lead to better care, lower turnover, and more satisfaction for parents and patients. And isn't the Democratic Party supposed to be about high-quality social services and raising wages for the lowest paid workers?

Vilsack liked the idea, but he didn't have the votes in the divided Iowa Legislature to change the workers' status. AFSCME pointed out, correctly, that the governor could make the change by executive order. To McEntee's delight, Vilsack did, taking something of a political risk when he issued the order last January. AFSCME now has another 14,000 members in Iowa, and wages for Iowa's home-care and child-care workers are rising.

If this were just another liberal Demo-



**Democratic Healer?:** Iowa Governor Tom Vilsack

cratic governor strengthening the public sector and social services via a close alliance with organized labor, it would be a dog-bites-man story. But it's a rather unusual move for a DLC stalwart.

**T**HE SECOND TIER OF UNDECLARED presidential candidates is cluttered, to say the least. It also includes other incumbent or former moderate governors such as Virginia's Mark Warner, Evan Bayh of Indiana (now a senator), and Bill Richardson of New Mexico, plus Senate veterans Russ Feingold of Wisconsin and John Edwards of North Carolina. Of this contingent, Vilsack is probably the least well-known. (For current purposes, let's consider Hillary Rodham Clinton, John Kerry, Joe Biden, and perhaps Al Gore the first tier.) I recall our colleague Robert Reich telling a roomful of Democratic

Party activists a few years ago that the guy who should get the Democratic nomination was someone named Tom Vilsack. Half the room had never heard of him.

In fact, Vilsack, 55, has been a popular and highly effective Democratic governor in a state that teeters between the parties at the presidential level, with one conservative Republican (Chuck Grassley) and one liberal Democrat (Tom Harkin) in the Senate, a split House delegation and divided state legislature. Vilsack, whose state has enviably low unemployment and stable public finances, was widely reported to be Kerry's second or third choice for running mate after Edwards. Iowa is not just a bellwether; it's the place where the nomination sweepstakes officially begins, with the Iowa precinct caucuses.

Of the other non-Hillary candidates unofficially in the race, Warner is the business Democrat unembarrassed by his religious faith who can tame a Republican legislature, neutralize social issues, rebuild his state party, and raise taxes in a red state. Edwards is the culturally reassuring southern populist who cares about poverty. Richardson is the one who combines foreign expertise from service at the United Nations and domestic experience in the Clinton cabinet with being a swing-state governor and a leading Hispanic. And Bayh has been elected both governor and senator in one of the reddest states, and is beloved by Democratic defense hawks. In this over-full field, Vilsack offers himself as the uniter. In addition to a Clintonesque ability to speak in whole sentences without notes, a log-cabin resume (he was orphaned at birth and raised by adoptive parents), and an innovative, policy-rich and scandal-free administration, Vilsack is the heartland liberal who can talk like a New Democrat, not unlike the early Bill Clinton.

Can he succeed? Both labor and DLC sources insist that this process is serious. "While the DLC and labor have had our differences," says the group's Reed, "there's a lot more that we have in common, especially as we've suffered together through this administration. Vilsack wants to expand this bridge building. There's increas-

ing agreement on the Democratic side that we need a much more serious opportunity agenda and a tax code geared to helping ordinary people get ahead, not just for capital, which is already doing so well in the global economy.”

Brave words, but does the DLC really include a leading role for the labor movement? As we go to press, there is nothing on the DLC’s Web site or magazine to indicate support for card check, nor any recent material suggesting enthusiasm for the labor movement. In fact, the most recent substantive entry on the DLC site

about unions is from July 2001, urging labor to embrace the new economy by supporting workplace learning.

Vilsack’s spokesman, Rodell Mollineau, confirms guardedly that the meeting took place and that the governor is indeed seeking to play this bridging role, but is not ready to go public. He offers to schedule an interview—in September. We await further developments. If Vilsack can indeed get business-oriented New Democrats and the labor movement to work together at more than a superficial level, he could get himself elevated to the first tier. **TAP**

himself. But the developing world vigorously opposed key personnel and budget reforms that would have transferred authority to the Office of the Secretary General and away from the General Assembly.

Even though Europe and Japan were with Bolton on the substance, they opposed his tactic, saying they were loathe to hold the operating budget hostage. As a shutdown loomed, the United States, Europe, Japan, and the developing world finally reached a compromise whereby \$950 million of the \$1.76 billion operating budget was authorized.

That cap was set to be reached at the end of June. In May, Bolton expressed a willingness to extend the deadline to September. Still, developing countries could vote on their version of a U.N. budget without the backing of the United States, goading the Bush administration into forcing a shutdown.

Should the U.N.’s operational funding be cut off, it will have to divert funds from peacekeeping operations, which are funded separately. “The U.N. isn’t a body which can afford not to be available 24/7,” Undersecretary-General for Communications and Information Shashi Tharoor told Reuters in June. “There are peacekeepers who are awaiting instructions from New York. There are humanitarian operations that depend on staff in New York.” One peacekeeping operation that would suffer inordinately is the mission to Darfur. By September, preparations for the mission will be under way, and the troops’ deployment would inevitably suffer should the command center in New York scale back its operations.

**I**T IS UNCLEAR HOW BOLTON WILL amend his negotiating tactics to avert a shutdown. For one thing, he has refused to define what specific reforms the United States requires in order to remove the cap. This has led to the impression in Turtle Bay that the United States is negotiating in bad faith. Meanwhile, the countries of the developing world are quickly looking to one another, and to China, as bulwarks against the United States. The two groups that represent the interests of the developing world at the U.N., the

## THE UNITED NATIONS CASH-AND-PARRY

*Bolton pushes toward a shutdown, but developing nations push back.*

BY MARK LEON GOLDBERG

**W**HAT WOULD HAPPEN IF THE United Nations ran out of money? Will unpaid translators show up to work at the Security Council? Will Con Edison simply turn the lights off at First Avenue and 42nd Street? More importantly: Will peacekeeping troops across the globe have to pack up and go home?

We may soon find out. The U.N.’s operating budget is on pace to expire this summer, when a spending cap on the U.N.’s two-year budget is reached. U.S. Ambassador John Bolton sought the cap to pressure the developing world into acceding to a set of reforms that would streamline U.N. bureaucracy. So far, however, that tactic has backfired. And in the process, it has fostered a strategic realignment in Turtle Bay, in which the global south acts as an increasingly muscular foil to reform.

**F**OR BETTER OR WORSE, THE UNITED Nations relies on precedent, tradition, and consensus to make its most important decisions. This is particularly true on budgetary matters. Going back to the 1980s, when the Reagan administration prodded the body to change its budgeting process so that small nations that contributed little money couldn’t force

through frivolous increases, the U.N. has adopted budgets covering two-year periods. It has done so always by consensus and never by roll-call vote. The practice held for nearly 20 years, until April 28, when South Africa, on behalf of the developing world and China, forced a resolution to stall a series of management and budget reforms championed by the U.N.’s main donors.

The South African resolution was consensus-shattering—an unprecedented airing of grievances by the nations of the developing world. These countries felt that they were being railroaded by the large-donor states—the United States, Japan, and European nations—behind the current reform drive. Fearing that many of these reforms would usurp power of the General Assembly—the main deliberative organ of the U.N. where poorer countries wield more clout—the developing countries demanded a rare roll-call vote, and 121 of them voted for South Africa’s resolution.

The ill will can actually be traced to December 2005, when Bolton held up the 2006-2007 biennium talks as a tactic to force reform. Most of the changes that he sought were supported by virtually the entire Western world and inspired by Secretary-General Kofi Annan

Non-Aligned Movement and the Group of 77, are growing in influence and numbers. Recently, two Caribbean nations, Dominica and Antigua-Barbuda, joined the Non-Aligned Movement, which in September will elect Cuba for a three-year presidency. That two tiny Caribbean countries find an alliance with Cuba more profitable than working with the United States speaks to America's evaporating influence at the U.N.

In addition to reform, Turtle Bay will be consumed this summer and autumn by a debate over who should succeed Kofi Annan, whose term expires in December. Traditionally, the Security Council refers

a single name to the General Assembly for a pro-forma vote. But in May, India sponsored a resolution asking the Security Council to nominate at least two individuals for secretary-general, and let the General Assembly vote on its preferred candidate. Adoption of this proposal by the United States could ameliorate tensions with the developing nations and those that pay the bills. Bolton, however, swiftly denounced this proposal, claiming that it would herald a "charter crisis."

A crisis, however, is precisely what awaits the United Nations should the current climate of mistrust, hostility, and antagonism persist. **TAP**

## CAPITOL HILL

# WATCHING THE DETECTIVES

*Other shoes begin to drop in the Duke Cunningham bribery scandal.*

BY LAURA ROZEN

**W**HEN NICK SCHWELLENBACH went down to the House of Representatives' legislative resource center in May to look into the widening Duke Cunningham corruption probe, he noticed a couple of other visitors at a neighboring table—a man and a woman, both crisply dressed, who were getting attentive service from the office staff.

As the two sets of researchers pored over documents, Schwellenbach realized that they were requesting many of the same files—namely, financial disclosure and travel filings related to Jeff Shockey and Letitia White, a current and former staffer, respectively, for the powerful chairman of the House Appropriations Committee, Jerry Lewis of California. Both have also served as lobbyists for a firm co-owned by former San Diego area Congressman Bill Lowery. "They were getting waited on hand and foot," said Schwellenbach, who works for the non-partisan corruption-monitoring group the Project on Governmental Oversight (POGO). He thought "these people have to be hotshot reporters at a major paper or else government investigators."

Then Schwellenbach noticed that

when the man stood up at one point, a badge flashed from beneath his jacket. After the duo departed, he noted that the woman had the same name as someone listed as a special agent with the FBI field office in Riverside, California, a city in Lewis's district.

As the federal investigation that led to Cunningham's bribery conviction last November expands to other members of the House Appropriations Committee, many others—journalists, activists, analysts, and government agents—are stumbling across one another in paper chases that range from courthouses in California to federal offices in Washington. Of particular concern to federal investigators is the unusually intertwined relationship involving Lewis, some of his staffers, and the Washington lobbying firm of Copeland Lowery Jacquez Denton & White, where his old colleague in Congress is a name partner.

**C**LOSE OBSERVERS OF THE CUNNINGHAM situation have suspected since the time of his conviction that it was just the start of a scandal that would unravel for months. Now, after a bit of lull, some new threads are coming loose.

According to the *Los Angeles Times*, Lewis is the subject of a federal criminal investigation by the U.S. Attorney's Office in Los Angeles. A Los Angeles federal grand jury issued subpoenas to at least seven clients of Copeland Lowery, including several represented by Shockey and White, the Lewis staffers (White has moved on, but Shockey still works for Lewis). In June, *Harper's* magazine and TPMuckraker.com both reported that White had purchased a million-dollar Capitol Hill property in a partnership with the owner of one of her defense contractor clients, Trident Systems Inc., which in turn had received a \$2 million earmark from Lewis this year.

Over the past six years, Lewis has raised \$1.3 million for his political action committee. More than a third of that was donated by the partners at Copeland Lowery and their clients, *The San Diego Union Tribune* has reported. During the same period, Lewis has earmarked an estimated \$100 million in federal grants to benefit clients of Lowery's firm. Two former Lewis staffers have worked as lobbyists for Lowery's firm, notably including the aforementioned Shockey, who reportedly earned \$1.5 million in salary from Copeland Lowery in 2004. In addition, Shockey received a nearly \$2 million "separation package" from the firm when he returned to work as deputy staff director of the appropriations committee. At the same time, Copeland Lowery hired his wife, Alexandra, as a subcontractor. So things went in Tom DeLay's Washington.

Among Copeland Lewis's clients was Brent Wilkes, the San Diego-based defense contractor described as "co-conspirator #1" in the Cunningham plea documents. Wilkes has yet to be indicted but is central to the larger case. Wilkes and his company PAC have donated \$60,000 to Lewis (which he has recently donated to charity).

Making matters even more complicated is a recent accusation by Tom Casey, the former head of Audre Recognition Systems, a company for which Wilkes worked as a lobbyist in the early 1990s. Casey told NBC News in June that Lewis had solicited him to provide stock op-



tions for his friend Lowery—a claim Casey has reportedly shared with the FBI.

Numerous calls to Lewis's spokesmen on the appropriations committee and at his office were not returned. "I encourage a thorough review of any project I have helped secure for my constituents," Lewis said in a statement in June.

What the documents don't reveal is the deeply rooted social network that connects a generation of southern California Republican politicians like Lewis, Cunningham, and Lowery with California defense contractors like Wilkes as well as a coterie of lobbyists, intelligence bureaucrats, and government agents. This fraternity saw its influence grow with the massive security spending that followed the September 11 terrorist attacks and the money-driven congressional majority built by DeLay.

Interviews with colleagues and associates of Wilkes, and his childhood best friend, Kyle "Dusty" Foggo, who recently resigned as executive director of the CIA when he was reported to be the subject of a federal corruption investigation, have il-

luminated the friendships and favors now bringing members of the southern California GOP delegation under intense scrutiny by the Justice Department's public integrity division.

"San Diego is the underbelly of the defense industrial complex," says Keith Ashdown, of the group Taxpayers for Common Sense. "Dirty things happen there, and there are different rules."

THREE DECADES AGO, LOWREY, FOGGO, and Wilkes were all members of the San Diego State University Young Republicans. After Foggo joined the CIA and was sent to Central America to fund the Contras, Lowery recruited fellow Young Republican alum Wilkes to help ferry members of Congress down to Central America for a close-up view of the action. While Foggo helped provide the entertainment, Lowery led efforts to win congressional support for the secretly financed war.

Their relationships have endured as their influence increased. As recent reports have revealed, Wilkes has long

sponsored weekly poker parties in suites at the Watergate and Westin Grand hotels, hosting Foggo's CIA friends (including top aides to recently resigned CIA director Porter Goss), and former members of Congress, notably including the famous Cold Warrior-turned-lobbyist Charlie Wilson, a Texas Democrat. According to convicted Cunningham co-conspirator Mitchell Wade, the guests sometimes included "escorts" ferried by a limousine company that won a \$21 million contract from the Department of Homeland Security. The bribes from Wade provided Duke Cunningham with a luxurious houseboat moored on the Potomac River, where the San Diego congressman also threw raucous parties.

With the excesses of their Watergate and Potomac houseboat parties, it was as if Wilkes and Foggo brought with them from their modest childhoods (they played high-school football together) an almost Hollywood idea of Washington power. Meanwhile, Wilkes and Wade amassed hundreds of millions of dollars in defense and intelligence contracts. The *Prospect* has already reported how a Wilkes-controlled company, Archer Logistics, received a small 2003 contract from the CIA to provide bottled water to CIA personnel in Iraq with the help of Foggo. Further reporting indicates that Wilkes was in negotiations in early 2005 to receive a far larger CIA contract, worth hundreds of millions of dollars, to operate a covert "proprietary" airline. A source tells the *Prospect* that under this arrangement, "Third-party [airline] companies would be purchased, brought under the new [Wilkes] corporate umbrella, and staffed with new Agency pilots." The deal fell apart, according to this source, after Wilkes' role in the Cunningham corruption case came to light.

In a Congress that has resisted investigation at most every turn, several powerful members of Congress now find themselves potentially subject to federal investigation. "One of the problems when investigations get going ... they may not get you on what they started to [look at you] for," a knowledgeable Hill veteran observes. "But they are likely to find things if they start digging around." **TAP**

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# Body Politics

**F**OR YEARS, PRO-CHOICE ACTIVISTS HAVE feared The Moment when abortion rights disappear in America. But there is not going to be A Moment. There is a *movement*, and it is chipping away at choice in many small moments.

Start with the Supreme Court. With Sandra Day O'Connor gone, Justice Anthony Kennedy becomes the swing vote. Whither *Roe*? He'll support the decision with one hand and slowly gut abortion rights with the other, **Helena Silverstein** and **Wayne Fishman** predict.

Meanwhile, **Allison Stevens** reports that in many parts of the country, abortion looks a lot like it did before 1973: open to women of means, nearly impossible for everyone else. And just what were pro-choice groups doing while all this was going on? As Stevens reports on conversations with activists from some red states, not enough.

Lastly, to abortion rights among the punditry priesthood: For years, many center-left commentators (all men!) have been arguing that a reversal of *Roe* would be good for Democrats politically by defusing the issue. **Scott Lemieux** delivers the counterpunch.

ILLUSTRATIONS BY  
**MCDavid HENDERSON**

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## All Eyes on Kennedy

There's a new swing vote on abortion. He'll probably protect *Roe*, but he won't protect much else.

BY HELENA  
SILVERSTEIN  
AND WAYNE  
FISHMAN

AFTER MORE THAN A DECADE OF STABILITY, the Supreme Court was overdue for a makeover. Impatient conservatives, long plotting a high-court coup to match their lower-court triumphs, had their eyes on poor old liberal Justice John Paul Stevens. Then, last July, Justice Sandra Day O'Connor announced she was stepping down. He does have His ways.

O'Connor, the swing justice on a closely divided court, had been a bee in the Federalist Society bonnet for some time, siding with the liberals on issues from affirmative action to public religious displays. With her out of the way and the more conservative Justice Anthony Kennedy taking over as "the decider," you could just about hear alarm bells sound on the left and church bells ring out on the right.

Nowhere does the ideological balance of the Court inspire more hope and woe than among the combatants in the abortion debate, the veritable Super Bowl of the culture wars. During O'Connor's tenure as the swingstress, the Court significantly eroded abortion rights, and the idea that she was a defender of those rights is testament to just how much has been lost. Now that Kennedy holds the balance of power, we can expect to see further erosion.

Kennedy, O'Connor, and Justice David Souter together crafted the controlling abortion jurisprudence, but Kennedy's blood generally runs a shade or two redder than O'Connor's. He's not likely to overturn *Roe v. Wade* and its holding that the Constitution extends the right of privacy to a woman's

decision to terminate her pregnancy. But he is likely to shepherd in a partial-birth abortion ban and expansion of anti-choice propaganda masquerading as informed-consent requirements. Unless Kennedy opts for a new direction, we are looking at a Court that, at least until the next vacancy, supports abortion rights in one paragraph and undermines them in the next.

ABORTION RIGHTS TOOK HEAVY FIRE IN *Planned Parenthood of Southeastern Pennsylvania v. Casey*, a 1992 decision that sustained several restrictive abortion regulations enacted by the Pennsylvania Legislature. But in rejecting by a 5-to-4 margin this invitation to overturn *Roe*, the *Casey* Court sided in a limited way with pro-choice advocates, who had good reason to think that *Roe* was going down. Thus does a non-total defeat of the pro-choice position come to seem like a victory.

The joint opinion in *Casey*, co-authored by O'Connor, Kennedy, and Souter, sustained what it called *Roe*'s "essential" holding: Women have a right to choose abortion prior to fetal viability. At the same time, however, this triumvirate rejected *Roe*'s stringent standard of review. Under *Roe*, states needed a "compelling" reason to regulate abortion and, importantly, could not impose pre-viability regulations on behalf of the interests of the fetus. The *Casey* Court relaxed the standard, holding that abortion regulations would be sustainable, pre-viability or otherwise, if they advanced a merely "legitimate" government interest without imposing an undue burden on a woman.

"A finding of an undue burden," the Court explained, "is a shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Under this newly articulated standard, the Court conceded that the state's "profound interest in potential life" permits regulation of abortion throughout pregnancy. "Even in the earliest stages of pregnancy," the Court said, "the State may enact rules and regulations designed to encourage her to know that there are philosophic and social arguments of great weight that can be brought to bear in favor of continuing the pregnancy to full term." Under *Casey*, the state may not only express a preference for childbirth over abortion, it may use its authority to persuade women to forgo abortion, as long as the persuasive techniques do not create a substantial obstacle. New rules, indeed.

Adjectives matter in decoding court rulings, and in this case the adjective in the spotlight is "substantial." On the Court's account of undue burden, abortion laws may impose costs, barriers, and



other burdens without treading on constitutional rights. “[N]ot every law which makes a right more difficult to exercise is, ipso facto, an infringement of that right,” the Court said. What abortion laws may not impose are *substantial* costs, barriers, and other burdens.

Applying this new, relaxed standard of review and a deferential interpretation of “substantial,” *Casey*’s authors decided the state could subject women to anti-choice propaganda (under the auspices of “informed consent”) and make them think about it for a while (i.e., 24-hour waiting periods). The Court in earlier decisions had rejected similar regulations.

To be fair, *Casey* did reject a spousal notification requirement, saying that such a regulation was “likely to prevent a significant number of women from obtaining an abortion.” Nevertheless, the *Casey* Court, anchored by O’Connor, Kennedy, and Souter, was clearly much more hostile to abortion than the *Roe* court. *Casey* virtually invited states to cook up abortion regulations and dared abortion-rights proponents to argue that the burdens were substantial.

SO, KENNEDY AND O’CONNOR AGREE ON THE standard abortion regulations must meet. They also agree that whatever costs, barriers, burdens, flaming hoops, and dark forests the Court might allow states to force women to endure, it has to remain the case that women can get pre-viability abortions.

Take, for example, South Dakota’s draconian measure outlawing all abortions except those necessary to save the pregnant woman’s life. The law, signed by Republican Governor Mike Rounds in March, will almost certainly face courtroom challenge, pending the outcome of an effort at repeal by ballot. Backers of this and similar measures pending in other states—including Ohio, Oklahoma, Alabama, and Tennessee—are obviously looking for a judicial throwdown, but should such a direct assault on *Roe* find its way to the current justices, they’re more likely to get a judicial smackdown.

There is no reason to think that Kennedy has fundamentally changed the position he espoused in *Casey*. And notwithstanding the addition to the Court of Chief Justice John Roberts and Justice Samuel Alito, both of whom are likely to join Justices Antonin Scalia and Clarence Thomas in calling for *Roe* to be overturned, four other justices remain on the bench to Kennedy’s left. The South Dakota plan would go nowhere with a Kennedy Court, the same fate it would have faced with an O’Connor court.

What of other attempts to impede access to abortion? Several states have augmented informed-consent requirements with mandated in-person

counseling instead of phone counseling. Other states have gone further, insisting that the treating physician, rather than a nurse or physician assistant, convey state-mandated information pertaining to abortion. These policies are enacted to encumber abortion. When coupled with a 24-hour waiting period and the fact that fewer and fewer physicians are willing to deal with the intimidation that comes with performing abortions, that is precisely how these mandates function.

Efforts are under way to make informed-consent provisions even more onerous. In the Georgia Senate, for example, a bill mandating that all women seeking an abortion be offered the opportunity to view an ultrasound or sonogram of the fetus has made its way out of committee. To date, no such laws have taken effect. But Michigan recently enacted a provision requiring a doctor who has taken an ultrasound of the fetus to offer the woman the option of viewing that image, and passage of more restrictive ultrasound requirements is all but inevitable.

However manipulative, conniving, or devious it may be for a state to make a woman go face to fetus before having an abortion, the jurisprudence established in *Casey* pretty clearly allows it. *Casey* endorsed the state’s profound interest in protecting the potential life of the unborn and the state’s authority to persuade women to forgo abortion. An ultrasound requirement is merely a logical extension of informed consent. This may be nonsense, but it’s nonsense that Kennedy, like O’Connor, would accept. Ditto for in-person and physician counseling.

THERE IS ONE SALIENT POINT OF DIVERGENCE between O’Connor and Kennedy. In the realm of so-called partial-birth abortion, the *Casey* trio parted company, with Kennedy signaling a more indulgent approach to state-imposed abortion restrictions.

In June 2000, the Court handed down a decision in *Stenberg v. Carhart* overturning Nebraska legislation that criminalized the use of a certain abortion procedure involving the partial delivery of a fetus outside a woman’s uterus and into her vagina. Termed partial-birth abortion by rhetoricians on the right, the procedure was banned by Nebraska except in cases where necessary to save the woman’s life. The ban did not, however, provide an exception in cases where physicians judged the procedure necessary to protect a woman’s health, an exception that, conservatives argue, devolves into abortion on demand when protection of mental health is sanctioned.

The absence of a health exception led O’Connor, Souter, Stevens, Ruth Bader Ginsburg, and Stephen Breyer to declare the law inconsistent with *Casey*. Sampling from both *Casey* and *Roe*, the *Stenberg*

**Kennedy and O’Connor agree that whatever costs, barriers, burdens, flaming hoops, and dark forests the Court might allow states to force women to endure, it has to remain that women can get pre-viability abortions.**





**Kennedy will likely vote to broaden informed-consent provisions, which have become vehicles for state-sanctioned anti-choice propaganda.**

majority recalled that “subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.” The majority reasoned that since a post-viability abortion regulation must include a health exception, so too must any abortion restriction.

In addition, *Stenberg* found that the statute failed to distinguish between two abortion procedures that entail partial delivery, the rarely used Dilation and Extraction procedure (D&X) and the more common Dilation and Evacuation method (D&E). Despite the Nebraska attorney general’s efforts to construe the statute as applying only to D&X, the majority followed the lower courts in finding that the ban effectively applied to both procedures, thereby unduly burdening a woman’s right to terminate her pregnancy.

Kennedy did not join these conclusions. Instead, in a Scalia-like rebuke, Kennedy scolded the majority for, among other things, neglecting to give proper weight to the critical state interests behind the legislation. He argued that these interests, including expressing concern for the life of the unborn, advancing the integrity of the medical profession by ensuring that the profession does not become disdainful of life, and inhibiting infanticide, permit the state to make a moral distinction between different types of abortion procedures. Accepting Nebraska’s contention that the statute applies only to D&X and concluding that “there was substantial and objective medical evidence to demonstrate the State had considerable support for its conclusion that the [D&X] ban created a substantial risk to no woman’s health,” Kennedy rejected the need for a specific health exception.

Especially revealing in Kennedy’s dissent is how much deference he affords the state’s medical determinations. Admonishing the majority, Kennedy said, “[t]he Court fails to acknowledge substantial authority allowing the State to take sides in a medical debate, even when fundamental liberty interests are at stake and even when leading members of the profession disagree with the conclusions drawn by the legislature.” In Kennedy’s view, “the State is entitled to make judgments where high medical authority is in disagreement,” and in so judging, the state may reasonably regulate the practice of medicine and intrude on the individual physician’s discretion.

Though *Stenberg* is just six years old, the court has agreed to revisit the issue next term, this time taking up the 2003 federal Partial Birth Abortion Ban Act. The law explicitly distinguishes D&X from D&E and does not include a specific health excep-

tion. It is a pretty good lock that on this go-round, with Kennedy in the middle, the D&X procedure is toast. Should the Court give its blessing to the federal ban, the change would not have a substantial impact on women’s access to abortion. Estimates put the number of D&X abortions performed annually at 640 to 5,000, a tiny fraction of the estimated 1.3 million abortions performed each year. Still, the question of access to *safe* abortion remains, given the *Stenberg* majority’s acceptance of the claim that D&X “may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman.” Moreover, and this is not unimportant, a reversal of *Stenberg* would energize anti-choice activists and would not happen were O’Connor still on the Court.

Some, including Linda Greenhouse of *The New York Times*, have warned that Kennedy’s invective in *Stenberg* may foreshadow a renunciation of *Casey*. But harsh tone aside, Kennedy has offered little evidence to suggest that he is ready to disown *Casey* and, with it, *Roe*. His substantive disagreements with the *Stenberg* majority do not call into question the gist of *Casey*. Kennedy maintains that, as a matter of medical fact and statutory construction, the Nebraska law effectively protects both the life and health of the mother. He’s not saying, and this would be a major departure, that a woman’s health need not be protected. It is, rather, according to Kennedy, possible to secure women’s health without a specific clause titled “Health Exception.”

On the other hand, Kennedy’s *Stenberg* dissent is worrisome, and not just for the debate over partial-birth abortion. With his advocacy of the view that states may take sides in highly disputed medical debates, Kennedy would almost certainly sanction recently passed state mandates requiring abortion providers to inform women of the alleged experience of fetal pain and the dubious link between abortion and cancer. Kennedy seems to welcome such hysterical broadening of informed-consent provisions, which have become a vehicle for putting the state’s imprimatur on anti-choice propaganda.

The state of abortion rights in this country is dismal. It was dismal under O’Connor, and the best that can be said about a Kennedy reign is that, even as practical access to abortion gets tighter and tighter, we are unlikely to see the Court go for the nuclear option.

Pretty soon, however, it may be curtains. Where once the buffer between *Roe* and Scalia was two justices thick, it is now just one, and one of the good guys just turned 86. We’ve heard conservative commentator Bill Kristol say again and again that elections have consequences. Well, if Democrats lose one more, it’s over. **TAP**

**Helena Silverstein** is professor of government and law at Lafayette College. **Wayne Fishman** is a freelance writer.

# What the Left Didn't Do

Below the Supreme Court level, the right has spent years fighting the abortion wars law by law, state by state. Why haven't pro-choice activists done the same?

**T**ERRI HERRING IS ON A MISSION FROM GOD. Twenty years ago, the Mississippi resident, as a young, stay-at-home mom, headed “from the kitchen sink to the state capitol” to persuade lawmakers to restrict access to abortion. She and her friends celebrated their first victory that year when, in 1986, Mississippi passed a law requiring physicians to obtain written consent from both parents before performing an abortion on a minor.

Now president of Pro-Life Mississippi, an independent advocacy organization in Jackson, Herring can say much of her mission has been accomplished. Over the past 20 years, Mississippi has enacted legislative initiatives that restrict access to abortion or lay the legal framework to overturn the right to abortion. Stacked on top of one another, the laws effectively bar access to abortion for many young, rural, and poor women—the same women who often need access to abortion the most.

Herring and her friends had help and guidance from Americans United for Life, a nonprofit law firm in Chicago that has pushed to end abortion through an “incremental” approach—as opposed to a “frontal assault” championed by other groups—ever since the Supreme Court legalized the procedure in 1973. The group has dubbed Herring’s state the “Mississippi Miracle” and uses it as a model for other states in “Defending Life,” its 2006 guidebook to further restricting access to abortion via state laws.

In Mississippi, there *is* an opposition: State chapters of the National Organization for Women (now) and the American Civil Liberties Union have fought to preserve access to abortion alongside their other civil-rights goals. But many pro-choice activists operate on their own, as does Deirdra Harris Glover, webmaster—and “president by default”—

of [www.prochoicemississippi.org](http://www.prochoicemississippi.org), an online clearinghouse of abortion-related information. “We’re about as grass roots an organization as they come,” she said, sneaking an electronic response to a reporter’s query while at her day job.

Pro-choice activists like Glover rely on help from NOW and the ACLU, but both have relatively few resources and a long list of other priorities, said Susan Hill, who owns the last remaining abortion clinic in Mississippi. Indeed, Mississippi pro-choicers say they have no equivalent to Americans United for Life, which provides anti-choice activists with models for state bills and offers free legal advice. And there is no state chapter of NARAL Pro-Choice America, the country’s leading abortion-rights lobby, nor are there affiliates in Alabama, Tennessee, or Louisiana. The Planned Parenthood Federation of America—which combines family-planning services with advocacy and education efforts—has two “express” clinics in Mississippi, but neither offer abortion.

Nationwide, NARAL Pro-Choice America has chapters in 29 states. Its closest counterpart—the National Right to Life Committee—has affiliates in all 50 states. Precise comparison of resources is difficult, but one thing is clear: Opponents of abortion rights are prevailing in the state legislatures. Pro-choice activists readily acknowledge the remarkable success their opponents have had. In its 2006 state-by-state report card, NARAL Pro-Choice America gave 27 states an F or a D for their records on reproductive rights and 17 states an A or a B.

The problem isn’t that pro-choice women’s groups are neglecting the states. They are indeed paying close attention to them, focusing on initiatives that prevent pregnancy, improve health insurance coverage of contraceptives, and expand access

BY ALLISON STEVENS

***NARAL Pro-Choice America has chapters in 29 states. The National Right to Life Committee has affiliates in all 50.***







**Pro-choice groups have largely taken a defensive posture, fending off anti-choice legislation rather than introducing initiatives of their own that could preserve or improve access to abortion.**

to birth control and emergency contraception. And there have been some victories on legislation directly related to abortion, such as laws that require state governments to cover abortion under Medicaid and that protect clinics from blockades, harassment, and violence.

Yet when it comes to abortion, the pro-choice movement has yet to mount an incrementalist counterattack to try to use state laws to build a sanctuary around abortion. To the contrary, they have largely taken a defensive posture, fending off anti-choice legislation rather than working to introduce initiatives of their own that could preserve, or even improve, access to abortion. “Our pro-choice side has been tremendously deficient in using that strategy,” said Hill, who has worked in the field for 33 years. “There could have been opposing legislation in all of the states against every one of these restrictions, but the pro-choice movement as a whole has not focused on that. We’ve really played defense instead of offense.”

Larry Rodick, president of Planned Parenthood of Alabama, agreed. “Nationally, Planned Parenthood and other pro-choice organizations like NARAL try to work together on things like that,” he said. “But the difference is that the anti-choice people are much more organized on the local and state level. ... Their agenda is to get inroads into every level of American politics, and they’re doing a pretty good job of it.”

**T**HE ANTI-CHOICE INCREMENTALISTS HAVE had their greatest success in the South and Midwest, with a strategy of veritably drowning state lawmakers with proposals for legislation. So in Mississippi’s 2006 legislative session, which came to a close in April, anti-choice legislators introduced 14 measures designed to restrict access to abortion, but pro-choice legislators (yes, there are some) introduced no initiatives that would improve access to abortion or enhance reproductive health.

Together, the states and the District of Columbia have passed a total of 437 anti-choice laws between 1997 and 2005—compared to 296 pro-choice bills enacted in the same period, according to NARAL Pro-Choice America. And while the anti-choice tally reflects a broad spectrum, limiting access to birth control and mandating abstinence-only sex education, the pro-choice tally is even broader, encompassing laws aimed at everything from cervical cancer awareness programs to teen pregnancy prevention. As for major legislation related specifically to abortion, states have enacted 194 major restrictions on abortion compared to 39 major laws that protect access, according to a tally based on NARAL Pro-Choice America’s research.

The pro-choice movement’s relative inaction on abortion-related legislation in the states is especially confounding given the fact that if the Supreme Court ever does overturn *Roe v. Wade*, the battle over abortion will shift entirely to the state houses. In that case, anti-choice activists, who have used state legislatures as laboratories to test policy options and fine-tune legal language and as staging grounds to build support among the public, will unquestionably hold the upper hand, say advocates on both sides of the issue.

Anti-choice activists will have a “distinct advantage” if the Court ever overturns *Roe*, Herring said. “Lobbying is one of those things that experience is really your teacher.” Hill agreed: “It puts us at a disadvantage because we’ve really focused on national issues in Washington,” she said. “It means that the pro-choice movement has to really change all of its tactics.” Karen Cooper, executive director of NARAL Pro-Choice Washington, agreed. “There may down the line be a problem,” she said. “It’ll take some training, but we pro-choice people are quick studies.”

In the meantime, however, pro-choice legislators say they could use more help in the states. “National groups working with their state counterparts could become more assertive ... in getting out the message and assisting at the local level to put together model legislation,” said Elaine Roberts, a Democratic legislator from South Dakota, which recently enacted a law that bans virtually all abortions. Roberts couldn’t recall an instance in which a pro-choice group recommended a legislative proposal to be introduced in the state House—a tactic commonly used by anti-choice groups.

There are a variety of reasons for comparative inaction at the state level. Some pro-choice activists, like NARAL Pro-Choice America president Nancy Keenan, say it’s due to Republican control of state legislatures gained in the 1994 elections. (Today, however, Republicans control 20, the Democrats 19, and anti-choice laws have passed in both). Others say potential activists are scared of violence from those who oppose abortion rights and by the stigma of supporting the procedure in public; that pro-choice activists are emotionally, physically, and financially exhausted; that pro-choice groups have a broader agenda than their rivals; and that they see the solution in the courts rather than in the legislative arena. Still others cited a general complacency ever since abortion was legalized. “The pro-choice people after *Roe v. Wade* in 1973 decided they had won the ballgame and are sitting back thinking it will always be there for them, and it may not,” Rodick said. “They might have to lose it before they realize it.”

AP/WIDE WORLD PHOTO

**A**BORTION LOSSES BEGAN ALMOST AS SOON AS *Roe* was decided. In 1976, Congress passed a law named after Congressman Henry Hyde of Illinois that laid the groundwork for the anti-choice incrementalists' strategy. The law allowed the federal government to exclude most abortions from Medicaid, the government health-insurance program for the poor. States followed suit; today, 33 states and the District of Columbia prohibit public funding for most abortions. Some states make exceptions for pregnancies that endanger the health of the woman or involve fetal abnormalities, and most make exceptions for pregnancies that are the result of rape or incest. All make exceptions for pregnancies that endanger the life of the mother.

But it wasn't until 1992 that incrementalists won the right to pursue restrictions en masse. That year, the Supreme Court upheld the basic right to abortion but permitted restrictions that did not pose an "undue burden" to abortion in *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

State legislators happily took the leeway given them, passing laws that ran the gamut from requirements forcing minors to involve one or both parents before deciding to have an abortion to the required distribution of state-approved but medically specious information about abortion. States also have passed bills that mandate waiting periods before abortions can be performed; that allow providers to refuse to perform abortions for personal reasons; that gag officials at institutions that receive state funds from counseling about abortion; that impose onerous regulations on abortion clinics; and, as was seen in South Dakota, that ban virtually all abortions in the state. Together, these laws have, in places, made abortion access resemble the pre-*Roe* period.

States in the South and Midwest generally have tightened access more than those on the coasts. North Dakota, for example, has one of the strictest parental consent laws, requiring minors to receive written consent from both parents before having an abortion. In Minnesota, women must receive in person or by phone information approved by the state about alternatives to abortion, the ability of a mid- and late-term fetus to feel pain, and some purported risks of abortion, such as the unproven claim that induced abortion makes a woman more susceptible to breast cancer. (The American Cancer Society, the National Cancer Institute and the World Health Organization have denied that claim.) And Kentucky is one of four states that ban private insurance companies from covering abortions except when the life of the mother is at risk, forcing all women to pay for the procedure out of pocket.

Laws known by critics as TRAPs (Targeted Regulation of Abortion Providers) have been effective in

shutting down clinics, notably in Mississippi, where five of the state's six abortion clinics have closed since the 1990s. The regulations—all 35 pages of them, often more stringent than those for other medical facilities—offer everything from the size of the parking lot to the width of the hallways to the temperature of the water in clinics. Supporters say the laws make abortion safer. But opponents, noting that abortion is already the safest gynecological surgical procedure performed in the United States, say they are designed to shut down clinics, which in fact they have done by driving up operating costs.

Pro-choice activists are learning from their rivals, said Gretchen Borchelt, counsel at the National Women's Law Center, a liberal women's rights advocacy group in Washington, D.C. "We are trying to be creative and innovative in the way anti-choice groups have been," she said. The National Network of Abortion Funds, for example, is marking the 30th anniversary of the Hyde amendment this year with a campaign to restore Medicaid funding of abortion in the states.

But by and large, pro-choice groups are not putting their muscle behind state initiatives to protect abortion. Rather, they are pursuing a two-part strategy: push laws that prevent pregnancy, which they say enables them to reach out across ideological lines, and drive a political campaign to elect more abortion-rights supporters to all levels of government. "In our states, especially where we have affiliates, we are working on legislative races, attorney general races and governor races," Keenan said. "In addition, 2008 will be critical." To these activists, polls and politics are on their side. And they may have a point. In South Dakota, pro-choice activists have gathered 37,000 signatures—more than twice the number needed, *The Los Angeles Times* reported—to place an initiative to overturn the state's abortion ban on ballots this November.

But some experts caution against placing all bets on politics: Abortion is rarely a defining issue in general-election campaigns for state or federal office and probably won't be unless the Supreme Court considers legislation that would ban the procedure, said Wendy Schiller, a professor of political science at Brown University. "It's hard to mobilize around the issue when abortion is still legal," she said.

In the meantime, some activists say the pro-choice movement should take a page from their opponents' playbook and fight the anti-choice movement on its strongest turf—the states. "There's the opportunity at the state level to make a difference," said Stephanie Poggi, executive director of the National Network of Abortion Funds. "The pro-choice movement has not done that to the extent that we need to." **TAP**

*"The pro-choice people after *Roe v. Wade* in 1973 decided they won the ballgame and are sitting back thinking it will always be there for them, and it may not."*



*Allison Stevens is Washington bureau chief of Women's eNews.*

# Men Overboard

It's not just "contrarian" for center-left pundits to claim *Roe* doesn't matter. It's stupid.

BY SCOTT  
LEMIEUX

THE CONFIRMATION OF TWO CONSERVATIVE Supreme Court justices and the passage of a draconian abortion ban in South Dakota have again thrown the precarious state of reproductive rights in the United States into sharp relief. It's a serious moment—which makes the continued preference for clever counter-intuition and abstract debates shared by many of the nation's prominent, avowedly pro-choice pundits all the more troubling.

It is difficult to know when a "contrarian" idea has been repeated so much as to become the new conventional wisdom. At least in prominent liberal media outlets, however, the argument that pro-choicers would be better off abandoning *Roe v. Wade* has probably crossed the line. In *The Atlantic Monthly*, Benjamin Wittes' 2005 article asserting that *Roe v. Wade* "has been deeply unhealthy for abortion rights" was followed up by a similar (although more detailed and nuanced) article in the June *Atlantic* by Jeffrey Rosen, also a prominent *Roe* critic in *The New York Times* and *The New Republic*. Richard Cohen opined in the pages of *The Washington Post* (after sniffing that he "no longer see[s] abortion as directly related to sexual freedom or feminism") that liberals should "untether abortion rights from *Roe*." *Slate*'s William Saletan took to the *Post* op-ed pages also to argue on behalf of "moving beyond *Roe*" and to dismiss the decision as "obsolete." The argument usually contains an added political component—that overturning *Roe* would prove a boon to Democrats by waking a majority-pro-choice electorate from its apathetic slumber.

The claim that overturning *Roe* would be no big deal for reproductive freedom and a boon to progressive politics may be ossifying into strange center-left conventional wisdom, but it's still wrong. These arguments are almost certainly too optimistic about the legal framework likely to emerge if the decision is gutted or overturned. And, not surprisingly given the extent to which affluent men safely ensconced in liberal urban centers dominate the liberal pundit class, the arguments also greatly understate or ignore the stark class and geographic inequities in abortion access that would inevitably manifest themselves in a post-*Roe* world. All the while, they greatly overstate the alleged political benefits of turning abortion into 51 fierce battles at the state and federal level.

## The Impact on Reproductive Rights

In its strongest form, the anti-*Roe*, pro-choice argument holds that ending constitutional protections for abortion would have little effect on access to it. Rosen, in his recent *Atlantic* article, suggests that "access to abortion wouldn't necessarily become less widely available than it is now." The implication of the argument is that support for legal abortion has become sufficiently well-entrenched that it will (with the exception of a handful of regional outliers where abortion is already all but de facto banned) easily survive the overturning of *Roe*.

Stated this way, the argument is transparently incorrect. According to data compiled by the Center for Reproductive Rights, were *Roe* overturned, abortion would immediately become illegal in 13 states, and there would be significant risk of new abortion bans in 20 other states. Obviously, to go from abortion being legal in all 50 states to a situation where abortion is illegal in 15 to 30 states cannot be seen as anything but a significant blow for reproductive rights. The question is not whether overturning *Roe* would be bad for reproductive rights, but how bad it would be.

The somewhat weaker claim is that while overturning *Roe* would be suboptimal, the effects on abortion access would be very modest, and legislative outcomes would represent a stable compromise that pro-choicers should be able to live with. This argument is premised on a number of fundamental errors.

Although one can quibble about how optimistic to be, *Roe*'s centrist critics are right that a significant number of abortions will continue to be performed even if the decision is overturned. *Roe* wasn't terribly important to affluent women, who, as scholars such as Mark Graber have demonstrated, either had the connections necessary to obtain abortions on the gray market or the resources to travel to states where abortion was formally legal. Affluent women in urban centers have access to safe abortions under any legal regime. But for poor women, especially those in rural areas, *Roe* matters a great deal.

Because it did not contain a guarantee of state funding, *Roe* has often been portrayed as conveying meaningful rights only to the middle class. But according to the most recent data compiled by the Allan Guttmacher Institute, in 2000 57 percent of women obtaining legal abortions lived at less than twice the federal poverty level—showing that even the "negative" right declared in *Roe* significantly bolsters access for poor women. While it is difficult for poor women to get abortions in some states, this difficulty has sometimes been exaggerated, and the fact that regulations in the post-1992 era of *Planned Parenthood of Southeastern Pennsylv-*



**Jeffery Rosen suggests *Roe*'s fall would "put pro-life legislation in an agonizing position." This overstates the political benefits for Democrats and progressives should the case be overturned.**



*nia vs. Casey* already significantly restrict abortion access in various places is a compelling argument against the further gutting of judicial protections, not in favor of it. While a few states (including, as Rosen emphasizes, South Dakota) currently have a relatively small number of abortion clinics, the difference between having three abortion clinics in a state and none is a distinction of actual significance. The erosion of abortion access that has taken place should not be used to bootstrap arguments that make much more erosion inevitable. Whether conservative states respond to the overturning of *Roe* by banning abortion outright or passing draconian regulations, the outcome would be the same: little effect on affluent women, but severe effects on poor women lacking the knowledge or resources to find doctors who can interpret the law in a favorable manner.

Abortion centrists generally see formally legal but highly regulated first-trimester abortion as an acceptable (and, in some cases, desirable) compromise. Rosen claims that “when the dust settles, in five or 10 or 30 years, early-term abortions would be protected and late-term ones restricted.” His prediction demonstrates the extent to which abortion centrists have uncritically accepted the rhetorical frames of the anti-choice lobby. Most abortion regulations, in fact, have nothing to do with the age of the fetus, and *Roe* and *Casey* permit late-term abortions to be regulated (with a health exemption) anyway. More typical abortion regulations include such impediments as waiting periods, parental consent and notification, and restrictions on abortion clinics. All of these regulations compound inequities inherent in any legal restrictions on abortion, and they have undesirable effects even if they don’t result in women being thrown in jail.

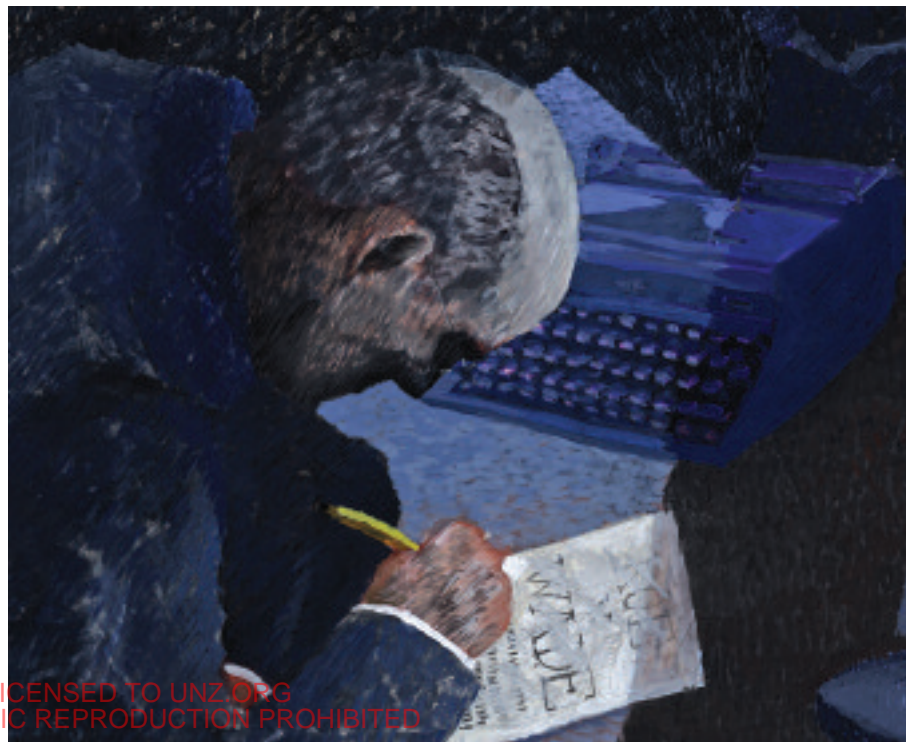
It is regrettably true that under *Casey*’s vague “undue burden” standard, such regulations have already begun to proliferate. But removing any legal restrictions on the ability of states to regulate abortion would make things worse, not better, and would allow creative anti-choice legislators to devise regulatory schemes that have the same effect in practice as abortion bans. Ohio, for example, passed a regulation requiring clinics to obtain a “written transfer agreement” from a surgical hospital in the case of an emergency; the state denied a waiver to a Dayton abortion clinic that couldn’t obtain one and ordered it to close. Though the neutral justification for such a regulation is farcical, the 6th Circuit Court of Appeals remarkably claimed that the regulation did not constitute an “undue burden.” To preserve any meaningful reproductive rights against such tactics, courts will have to become more, rather than less, vigilant.

Currently, legislatures are prohibited from passing laws (such as the spousal notification provision struck down in *Casey*) transparently designed to limit abortion access rather than serve some legitimate state interest. If *Roe* is overturned, courts will no longer be able to strike down such laws—and it is precisely these kinds of regulations that must be the focus of any productive assessment of the consequences of overturning *Roe*. Moreover, contrary to the oft-heard but bogus claim that overturning *Roe* would “return the issue to the states,” it’s also possible that Congress could enact federal versions of such measures, rendering universal the chilling effects of arbitrary abortion regulations.

It’s also worth noting that the centrist pro-choice position is (to borrow O’Connor’s famous phrase) on a collision course with itself. Saletan and Rosen extol the virtues of regulating late-term abortions as the centerpiece of an abortion compromise. But the most common and popular abortion regulations in fact make first-trimester abortions considerably harder to obtain, by compelling women to navigate an irrational regulatory obstacle course. (In Mississippi, second-trimester abortions among women relying on in-state providers increased more than 50 percent after the state enacted a waiting period requirement.) The contrarian anti-*Roe* position contains internal contradictions its adherents never resolve.

These pundits cite public opinion polls showing support for their pet compromise policy—legal first-trimester abortions—as evidence against worrying about *Roe*’s disappearance. One baffling aspect of this debate is the extent to which people who should know better assume that legislative outcomes represent unmediated manifestations of

***The erosion of abortion access that has already taken place should not be used to bootstrap arguments that make more erosion inevitable.***



**Richard Cohen**  
**sniffs that he**  
**“no longer see[s]**  
**abortion as**  
**directly related to**  
**sexual freedom**  
**or feminism.”**  
**That’s easy for**  
**him to say.**



popular opinion. In fact, American legislatures are majoritarian in neither theory nor practice (indeed, although public opinion about abortion in 1973 was essentially the same as it is today, abortion was illegal in 46 out of 50 states). And it is likely that several aspects of legislative politics will skew outcomes toward an anti-choice position. First, the de facto exemption from abortion laws that affluent women enjoy means that the women with the highest stake in the outcome of the debate have the least political clout. Second, anti-choice activists can take advantage of the paradox in public opinion, where majorities oppose the outright criminalization of first-trimester abortions but also favor regulations that collectively have the same impact as an outright ban. And third, because smaller, more rural states are more likely to have culturally conservative legislators, federalism will tend to make legislative outcomes more anti-choice than national opinion surveys would suggest.

### **The Political Impact of Overturning *Roe***

The claim that overturning *Roe* would not be a significant blow for reproductive freedom, therefore, is plainly wrong. But there is another element to the pro-choice, anti-*Roe* argument: Overturning it will be good for Democrats and progressives. For millions of pro-choice voters complacent in the knowledge of abortion’s constitutional protection, so this argument goes, the overturning of *Roe* would suddenly make abortion a voting issue. Moreover, *Roe*’s fall would, in Rosen’s words, “put pro-life legislators in an agonizing position,” forcing them either to deliver uncompromising abortion bans to base voters or to incur their wrath through appeals to swing voters. Though this argument has a surface plausibility, balancing the relevant factors suggests against abandoning *Roe* for political reasons.

Arguments about the immense political benefits to be reaped if *Roe* is overturned tend to be premised on vastly overstating the effects of abortion on voting behavior. Voters cast ballots based on a complex matrix of issue positions and personality heuristics; the difference that any particular issue makes is often very small. The idiosyncrasies of American politics would, moreover, mitigate any post-*Roe* electoral bounce for Democrats. The states in which *Roe*’s overturning would be the most clearly unpopular are also the states where the Democrats are already dominant. It’s far from clear which state the Democrats lost in 2004 that they would win if *Roe* were overturned. The congressional situation is similar. The Senate’s gross malapportionment overrepresents states where overturning *Roe* would do little damage to the GOP, and sophisticated computer gerrymandering along with the other advantages of incumbency in the House

of Representatives make for very few contested seats no matter which issues are in play. In other words, overturning *Roe* might help the Democrats in generic national polls, but much less so in terms of taking back control of federal institutions.

Speculations about the political benefits of overturning *Roe* also assume it would be overturned in a forthright manner. This is, however, a highly questionable assumption. Much more likely is what we’ve already seen happen: a brick-by-brick dismantling that produces virtually the same policy effects without even the modest Democratic political benefits to be derived from the popular reaction to a single dramatic decision. The championing of allegedly “reasonable” regulations of abortion by centrist pro-choicers has handed a loaded weapon to opponents of abortion rights, who can regulate *Roe* to death while keeping the political backlash to a minimum.

Another commonly heard argument is that *Roe* has been bad both for choice and for the Democrats because judicial interventions into contested political issues produce a much greater backlash than legislative interventions. Wittes, for example, says that “since its inception *Roe* has had a deep legitimacy problem, stemming from its weakness as a legal opinion” and that “legislative compromises tend to be durable, since they bring a sense of resolution to divisive issues by balancing competing interests; mustering a working majority to upset them can be far more difficult than rallying discontent against the edicts of unelected judges.” Both sides of the abortion debate regularly make this argument, and its only flaws are that there’s no compelling theory and no empirical evidence to support it.

Consider, first, the theoretical premises underpinning Wittes’ argument. He makes a claim—also famously made by Ruth Bader Ginsburg—that *Roe* created a backlash because of its poor judicial craftsmanship. This is, to put it mildly, implausible. In general the public ignores legal reasoning and evaluates judicial opinions based on results; *Roe* in particular has always had a similar degree of public support as the legalization of first-trimester abortions. Wittes also has—as do most proponents of the countermobilization hypothesis—a romanticized vision of the legislative process and a reductionist conception of how judicial review operates. The modest abortion liberalization reforms enacted by a minority of state legislatures before 1973 are better described as logrolling among legal, medical, and legislative elites than as painstaking deliberative compromises. Judicial policy making, meanwhile, often involves balancing competing interests rather than absolutist rights claims—*Planned Parenthood v. Casey* is a paradigmatic example of this. And there is no reason to believe that religious and

ethical arguments about abortion are any less “divisive” than legal arguments.

But, ultimately, the proof of the pudding is in the eating. The pre-*Roe* period in state legislatures does not in any way comport with the romantic myths now being peddled by anti-*Roe* centrists. Far from being satisfied with legislative compromises, anti-choice activists were so well-mobilized in response to a few legislative reform laws that liberalization at the state level was essentially dead by the time *Roe* was handed down in January 1973. Debate in the state legislatures was divisive: In New York, Governor Nelson Rockefeller had to veto a 1972 re-criminalization bill that passed after a rancorous debate featuring an anti-choice legislator waving a fetus in a jar on the assembly floor. Neither women’s groups nor anti-choice groups were happy with the common compromise legislation. *The National Review* wrote more about abortion in the three years before *Roe* than in the three years after. Meanwhile, the Canadian Supreme Court created the most liberal abortion regime of any Western democracy and yet, despite that judicial intervention, abortion is not a particularly salient issue in Canadian politics. The evidence is overwhelming that abortion is a divisive issue in the United States because it is divisive, not because of procedural objections to the methods by which policy has emerged.

Abortion centrists appear to take cultural conservatives at their word when the latter say they’d be mollified if only the courts stepped out of the debate. But cultural reactionaries employ anti-elitist rhetoric against any and all institutions they are hostile to, not just against “activist judges.” Consider the anti-gay constitutional amendment in Colorado struck down by the Supreme Court in *Romer v. Evans*, which was passed as a response to the protection of gay rights by democratically elected city councils. Affirmative action and the recent eminent domain decision in *Kelo* are also instructive examples: Conservatives are able to mine fury against courts that refuse to overturn the policies of democratically accountable officials. Arguments against “judicial activism” are equally applicable against “elites” and “Congress” and “those bureaucrats down at the state capital.” To believe this resentment would go away if only the courts gave up protecting abortion is to be stuck in a dream-like state in which politics functions as it does in bad sixth-grade civics textbooks.

A related argument is the claim that the use of litigation has made pro-choice groups lazy and complacent about reproductive freedom, and that returning abortion to the legislatures would mobilize pro-choice voters and toughen the movement. To the extent that this argument relies on claims

about the demobilizing effect of litigation, the evidence is scant. Recent legal and political science scholarship has convincingly rebutted assumptions that litigation and other forms of political activism exist in a zero-sum struggle for resources; in fact, one often positively builds on the other. Nor is the argument persuasive in the specific case of abortion. Bill Clinton’s veto of legislation banning “partial-birth abortion”—legislation that was both very popular and likely to be struck down by the courts anyway—was hardly a sign of a movement lacking in political clout. Abortion was one of the few issues that Clinton never crossed his base on, a fact that ill supports the notion that *Roe* has weakened the pro-choice movement.

Arguments about the political benefits of overturning *Roe* ultimately prove too much. By the same logic, one can argue that allowing Social Security to be privatized would create tensions in the conservative coalition and a backlash that might help Democrats politically. This is hardly good reason to hope that it happens. The fact that commentators making the political case for abandoning *Roe* never apply the same logic to other issues reflects a general tendency to take women’s rights less seriously. That same unseriousness is revealed by the fact that pundits searching for issues on which Democrats can appeal to social conservatives are more likely to cite abortion than, say, church-and-state issues, where the liberal position is far more unpopular and compromises would have far less direct impact on people’s lives. Ultimately, to call these contrarian arguments “pro-choice” is a non sequitur. They’re only compelling if the value of protecting a woman’s right to choose is accorded almost no weight.

Indeed, what is finally most intolerable about the new anti-*Roe* consensus is just this willingness to throw the rights of others under the bus while patting oneself on the back for making noble compromises. It is certainly easy for men living in blue state urban centers—who know that no woman in their family or social circle will ever be denied a safe abortion—to casually dismiss the importance of the rights of poor women in the two dozen states at high risk of banning or severely restricting access to abortion in a post-*Roe* world. The legislative “compromises” celebrated by the contrarians involve sacrificing the rights of those women and allowing legislators to severely restrict abortion without paying a significant political price. This is an outcome that should not be acceptable to any progressive. Core rights are not a field where expediency should trump principle, and a moment like this is no time for elite commentators—if they really do support reproductive rights—to waste ink on cute debating games. **TAP**

*It’s easy for affluent men safely ensconced in urban centers to be casual with the rights of poor women in the two dozen states that might ban or restrict abortion if Roe is overturned.*

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*Scott Lemieux is an assistant professor of political science at Hunter College, CUNY.*





## THE PRICE IS WRONG

Depending on which administration official you, um, believed, the Iraq War was going to cost anywhere from \$200 million to zero. But it's going to fly over \$1 trillion. Awaiting the arrival of a sane administration, we offer a list of 11 ways not to waste money and lives, to improve America's moral standing in the world, and to make the country safer. **BY MATTHEW YGLESIAS**

**O**N SEPTEMBER 11, 2001, THE UNITED STATES was hit by devastating terrorist attacks perpetrated by a transnational terrorist network. Less than a year later, it was apparent that the Bush administration wanted to invade Iraq, allegedly as part of the response. Famously, selling this agenda involved a highly deceptive effort to link the two issues. Iraq was said to have an advanced nuclear weapons program and to be likely to provide the fruits of its research to al-Qaeda.

All this we know. Less well remembered nowadays, though—in fact, almost never discussed in the major media—was another implicit prong of the argument: that invading Iraq would be cheap and easy, leaving plenty of resources for other purposes. When White House economic adviser Lawrence Lindsey stumbled off message in September 2002 with his prediction that war could cost \$100 million to \$200 billion, the administration flew into crisis mode. Budget Director Mitch Daniels was trotted out to label the estimate “very, very high.” Deputy Defense Secretary Paul Wolfowitz opined—in testimony to Congress, no less—that reconstruction would cost virtually nothing in light of Iraq’s promising oil revenues. Daniels proffered an estimate in the \$50 billion to \$60 billion range, substantially less than the \$80 billion inflation-adjusted cost of the Persian Gulf War. Lindsey, famously, was soon after fired—for his troublesome cost estimates and, reportedly, the President’s annoyance at his poor personal fitness habits.

By April 2006, a Congressional Research Service (CRS) inquiry concluded that Lindsey’s estimate was, indeed, way off—

but in the other direction. Around \$261 billion had already been spent. Given the human stakes, it may seem crass to worry overly much about the dollar cost of a military conflict. But the fact that a CRS report is needed at all, as opposed to the straightforward accounting that either the White House or the Pentagon could surely provide were they so inclined, points to the basic reality that the war’s proponents are continuing the prewar pattern of covering up the costs. And with good reason: They’re enormous. Scandalously enormous.

The same CRS report indicated that before it ends, the war will likely cost somewhat more than the \$549 billion spent (adjusted for inflation) in the much more lethal Vietnam War. But even this figure will likely prove to be off by hundreds of billions of dollars because it accounts only for funds directly appropriated for war fighting. As Linda Bilmes, a leading Harvard budgetary expert, and Nobel Prize-winning economist Joseph Stiglitz point out in their January 2006 paper, “The Economic Costs of the Iraq War,” the spending captured by the CRS, even in strict budgetary terms, is “only the tip of a very deep iceberg.”

Wartime appropriations do not, for example, include the cost of disability payments to veterans wounded in the war, payments that will continue throughout their life spans. Nor do they cover the costs of medical treatment for those seriously injured in the war, or even such basic war-related costs as the replacement of equipment and munitions expended in the conflict or the need to transport soldiers back to their home bases when they rotate out of country. The war has also substantially increased the military’s overall recruiting costs, reflected in bigger bonuses and additional recruiters. What’s more, by combining the war with



aggressive tax cutting, the administration has ensured that the operation is paid for entirely by borrowing money on which interest will need to be paid. The shocking truth, according to Bilmes and Stiglitz, is that if one applies the Congressional Budget Office's basic assumptions about the duration of the conflict ("a small but continuous presence"), it will cost nearly a staggering \$1.27 *trillion* dollars before all is said and done.

The number is so high as to defy human comprehension. All the numbers ending in "-illion" sound the same. But a trillion is what you get if you spend a million dollars a day ... for a million days. That's 2,737 *years*—a cool mil a day, every day, in other words, until the Year of Our Lord 4743. Or, working backward, from the time when Homer wrote the *Iliad* up to now. The \$270 billion in rounding error is worth another 750 years at the million-a-day rate. That takes us up to the year 5493—or back to when Moses fled Egypt.

Anyway you slice it, it's a lot of money. More than enough to fund any sort of "too expensive" pie-in-the-sky liberal domestic scheme. Universal preschool, for example, clocks in at about \$35 billion annually—cheap enough to get 37 years' worth. But Bush never said invading Iraq would educate our children or fight domestic poverty, so let's not even get into that, for now. What the President did promise was the following: that regime change would curb nuclear proliferation, weaken al-Qaeda, and create a shining beacon of democracy. What happened? We eliminated a nuclear program that didn't exist, encouraged Iran and North Korea to speed theirs along, offered terrorists a gigantic recruiting opportunity and training ground, and turned Iraq into a venue for chaos and civil war plagued by death squads and offering local despots a handy cautionary tale about the dangers of liberalization.

For \$1.27 trillion, we have our hands full in a quagmire; the world hating us; worldwide acts of terrorism on the sharp rise; and much more. We could have done better. Much better. You might even say a trillion times better. Economists use the term "opportunity cost" to refer to the cost of an endeavor in terms of the opportunities that endeavor foreclosed. Iraq foreclosed advancing important humanitarian goals, killing and capturing terrorists more effectively, eliminating nuclear threats, and securing the homeland among other goals. Here are 11 ways it could have been different—and still could be, come January 20, 2009.

## 1 MILITARY TRANSFORMATION

The American military is, by global standards, enormous and remains without a doubt the world's top fighting force. Nevertheless, it's still mainly geared for Cold War-era threats and countering conventional foes. The new world has less need for heavy weapons, but more need for special forces to hunt down and eliminate small groups of radicals and various types of boots on the ground to help bring stability to chaotic areas. Echoing John Kerry's presidential campaign, the Center for American Progress's liberal alternative to the official Quadrennial Defense Review (QDR) proposed increasing the authorized strength of the U.S. Army substantially. The idea is to add 50,000 special-operations forces to fight the new kind of battles, plus 26,000 soldiers for two new peacekeeping divisions, and 10,000 additional civil affairs and military police officers. That way, if the United States ever *did* come across a legitimate reason to mount an Iraq-scale stabilization we might have the chance to do it properly. The price tag over the life of a QDR is \$60 billion.

## 2 NUCLEAR MATERIALS



The threat of nuclear terrorism was the most potent argument raised in favor of the Iraq War, and understandably so. Conventional terrorist attacks, though tragic, can't fundamentally threaten the United States in the way our great adversaries of the past did. A single nuclear detonation in an American city would, however, be a catastrophe in terms of its death toll and the inevitable crackdown on civil liberties. The American way of life as we understand it would never be the same. There were, of course, no nuclear weapons in Iraq and no program to make them. But there is plenty of fissile material in the former Soviet Union. The good news is that our government has programs in place to remove them that have been rated highly effective. The

bad news is that they're working slowly. The 2001 Baker-Cutler Commission on the subject estimated that \$30 billion over 10 years would get the job of destroying much of it and securing the rest done expeditiously.

### 3 THE OTHER WAR

Remember Afghanistan? The place where the old regime actually *was* harboring al-Qaeda, and we really were welcomed as liberators? We never quite finished off the enemy there, and recent weeks have seen the highest level of violence since 2001. We desperately need to shore up popular support for Hamid Karzai's government. Today, there is a gap between estimates of what's needed to rebuild the country and what the international community has pledged in aid. About \$8.6 billion over the next seven years would close it. Meanwhile, the country's main economic activity is growing opium for sale to the world's heroin dealers. The total value of the crop over five years is about \$11 billion. If we were prepared to spend that much, we could follow a Center for American Progress proposal to pay Afghan farmers to *not* grow the stuff, taking the crops off the world market and giving the farmers breathing room to make the transition to cultivating something else.

### 4 INTERNATIONAL SECURITY

Conservatives often deride the United Nations as ineffectual. The reality, however, is that U.N. peacekeeping has a very good track record (better, certainly, than the track record of unilateral American-sponsored regime change) in those instances where an appropriate level of resources has been available. A Center for Defense Information task force has proposed that we pony up an additional \$5 billion over 10 years in financial support for these missions to make them more robust. The same task force also recommended that we sponsor the creation of a 5,000-strong standing international civilian police force under U.N. auspices that could act quickly in global trouble spots while the world's governments think out longer-term solutions. The American share of the bill would be about \$2 billion over 10 years.

### 5 TRANSPORTATION SECURITY



On 9-11, the terrorists hijacked airplanes, and since that time a great deal has been done to make it harder to do exactly the same thing again. Nothing, however, requires terrorists to focus exclusively on airplanes as possible targets. Indeed, more recent attacks in London and Madrid have both come against rail transportation targets. The American Public Transportation Association estimates that fully securing American public trans-

portation would cost \$5.2 billion in one-time capital improvements and \$800 million annually in new money for personnel, training, and technical support. The additional money would put security cameras in trains and train stations currently lacking them, place automatic vehicle locator systems in buses so emergency responders can find them in case of a problem, develop systems to detect hazardous chemicals, hire more security guards, and improve communications systems. The most recent federal budget boosted public transportation security spending, but it's still at around half the needed level—even though public transportation has about 16 times the passenger load of air travel and the attacks in Europe show terrorists are just as happy to strike trains as planes.

### 6 PORTS SECURITY

News a while back that a state-owned firm from the United Arab Emirates may operate several American ports provoked instant outrage around the country. But keeping ports out of foreign hands is a small issue compared to the generally lax state of security at America's shipping facilities. The GreenLane Maritime Cargo Security Act, introduced by a bipartisan group of senators, is considered the gold standard in terms of preventing the smuggling of nuclear materials or other dangerous weapons through America's container ports. The legislation is languishing in Congress because deficit-conscious legislators propose to finance it through a roughly \$20-per-container fee, which, naturally, the relevant businesses don't want to pay. The Gordian knot could be cut by letting taxpayers pick up the \$1.5 billion annual bill (call it \$15 billion over 10 years) to buy radiation detectors, establish a multitiered system of container security standards, boost grants to local port authorities, improve the U.S. Customs Service's existing Automated Targeting System, create a uniform data system for export and import information, and establish joint operating centers to facilitate day-to-day management of port security issues.

### 7 AIRPLANES AGAIN

Much has been done to improve the security on America's commercial passenger jets. Much less has been done regarding *cargo* that's often carried in these very same planes. An estimated 55,000 tons of freight is shipped around the United States each day, with Congressional Research Service indicating that about a quarter of domestic shipping and almost half of international shipping is done on passenger planes. Legislation introduced by two congressmen, Republican Chris Shays and Democrat Ed Markey, would require 100 percent screening of all air cargo. David Wirsing, executive director of the Airforwarders Association, an airfreight industry group, noted in opposition to the bill that it would require "a cost of over \$700 million in the first year alone." But this is actually a rather modest sum of money in the grand scheme of America's \$450 billion and rising annual security budget. More genuinely extravagant would be equipping commercial airliners with defenses against the approximately 100,000 shoulder-launched missiles floating around the world at a price of \$10 billion.



## 8 EMERGENCY RESPONSE

More troops could improve America's security situation in a variety of ways. But terrorism isn't only—or even primarily—a task for soldiers. Civilian emergency responders—cops, firemen, emergency medical technicians—do much of the heavy lifting. A total of \$5 billion would double the Assistance to Firefighters Grant Program, and \$14 billion would fully fund the Community Oriented Policing Services Program, both for 10 years. Both programs offer financial assistance to state and local governments in maintaining adequate emergency response manpower. Meanwhile, as things stand, emergency response radio systems are still largely non-interoperable, a situation that had tragic consequences for New York City's police and firefighters on 9-11. Just \$350 million could resolve the problem.

## 9 PUBLIC DIPLOMACY

Everyone acknowledges that fighting Islamic extremism has a large diplomatic component, oriented toward the hearts-and-minds question. A panel appointed by the Bush administration proposed a \$12 billion increase in funding for public diplomacy over 10 years to help improve America's standing in the world, but it never happened. Throwing money at the problem won't solve anything on its own, but it would help. Extra cash could be used to upgrade the language skills of America's diplomats (according to the Government Accountability Office, 30 percent of language-designated public diplomacy positions in the Muslim world are filled with officers who lack the required linguistic ability), conduct audience research and segment target audiences as seen in the private sector, open more consulates in Muslim countries, and improve the quality and quantity of broadcasts in Arabic, Farsi, and other languages widely spoken in the Muslim world.

## 10 DEVELOPMENT ASSISTANCE

OK, so far, assuming all nine of the above are funded fully, we've spent \$228.65 billion, leaving around \$1 trillion still unallocated. Where else should we spend it? Well, the war has also been justified on humanitarian grounds as a means of helping the Iraqi people and ameliorating political conditions throughout the Muslim world. In practice, however, starting wars (as opposed to, say, curing diseases) is a highly inefficient method of helping suffering people, and the war has devastated America's moral standing worldwide. Development assistance could massively improve it.

The World Health Organization (WHO) estimates, for example, that a onetime expenditure of less than \$500 million would allow the WHO to bring about a 90 percent reduction in measles deaths. This would save hundreds of thousands of lives over a period of years for less than what Congress appropriates *per week* for Iraq. Measles, as it happens, isn't a major problem in Arab countries, but Muslim Nigeria, Pakistan, Indonesia, and Bangladesh combine with India to account for almost 80 percent of the world's measles deaths.

Indeed, useful foreign-aid programs are generally so cheap that listing them one by one would take forever. Fortunately, there's a convenient aggregate at hand. Over the past several

years the United Nations, in consultation with leading experts and potential donor governments, has formulated an ambitious foreign-aid program known as the Millennium Development Goals. Like most developed countries, the United States has agreed in principle to boost spending up to the levels called for in the goals but hasn't actually appropriated the money.

The goals, among other things, promise to reduce by half the proportion of people living on less than a dollar per day, reduce by half the proportion of people who suffer from hunger, ensure that all children complete a course of primary education, eliminate gender disparities in education, reduce the child mortality rate by two-thirds, reduce the maternal mortality rate by three-quarters, and reduce by half the proportion of people without sustainable access to safe drinking water. All this can be done by approximately 2015, according to the U.N., if the rich countries of the world increase their level of foreign aid to the promised level of 0.7 percent of GDP and reform current giving to conform to the targets. The total price tag for the United States would be about \$1.04 trillion, which would represent a boost over current levels of about \$650 billion.

## 11 CLIMATE CHANGE



In a May 10 *Washington Post* op-ed piece, University of Chicago law professor Cass Sunstein argued that “the economic burden of the Iraq War is on the verge of exceeding the total anticipated burden of the Kyoto Protocol.” Sunstein's argument, predictably, came under attack from the right, but in fact he seriously understated his case. The estimated \$325 billion cost of Kyoto refers not to direct budgetary costs—most academic studies have concluded that these would be extremely small. Instead, the figure refers to *indirect* costs to economic growth. This is a large price to pay, but as with the rest it's significantly less than the economic impact of the war. On top of the \$1.27 trillion in direct expenditures, however, Bilmes and Stiglitz also anticipate an additional trillion or so in indirect reduced economic growth. Without the invasion, in other words, we could have *both* gotten a jump on the emerging challenge of global warming *and* enjoyed higher levels of overall prosperity than we're seeing today.

**H**AD WE FOLLOWED THE COURSE SUGGESTED ABOVE, THE world would not only be a better place and the United States a more secure country; we would be in an infinitely better position to push the agenda of regional political transformation in the Middle East that now stands as the ostensible rationale for the Iraq venture. Beyond the mess in Iraq itself,

our efforts at political reform have been persistently undermined by the United States' massive unpopularity in the Muslim world. A despised foreign power has little ability to influence events in a constructive direction, and at the moment the tendency is for political liberalization to merely boost the position of radical parties like Hamas in Palestine or the Muslim Brotherhood in Egypt. In the bargain, we would be saving around \$400 billion—hardly chump change—that could be directed to domestic priorities.

for political reform to trying to assemble a diplomatic coalition to block Iran's nuclear ambitions. Instead, America stands not only remarkably undefended against the possibility of terrorist attack, but also isolated on the world stage.

What's done, of course, is done and can't be undone. We can't unfight the war. The country can, however, still change course in a variety of ways. Some of these goals—securing loose nuclear material comes to mind—are sufficiently important that it makes sense to brush budgetary constraints aside. For others,

## Anti-Americanism remains strong in every Muslim country except Indonesia, a phenomenon attributable to our tsunami response. The lesson is clear.

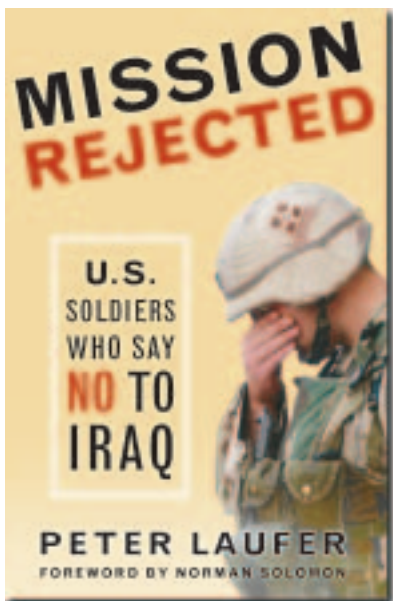
Anti-Americanism has abated somewhat recently from its post-Iraq invasion peak, but it still remains incredibly strong in almost every Muslim country. The main exception is Indonesia, where the 2005 Pew Research Center survey of Islamic opinion registered an enormous 23 point jump in pro-American sentiments, a phenomenon virtually all observers attribute to our relatively generous response to the December 2004 Indian Ocean tsunami that devastated the country. The lesson is clear—when the United States directs its counterterrorism efforts to genuine self-defense, and channels its idealistic impulses into uncontroversial popular causes rather than as add-on rationales for war-waging, world opinion looks more kindly on the United States. That gives us much more ability to do everything from pressing

like cargo inspections, it's worth doing the political heavy lifting necessary to get them financed by user fees if it's not possible to find the money in the general budget.

Budgetary offsets outside of Iraq could also do a great deal to help put us on the right track. The military spending priorities reflected in the most recent Quadrennial Defense Review are badly outdated, reflecting an orientation toward a no-longer-extant Soviet threat or a merely hypothetical Chinese one rather than America's actual defense needs. Not coincidentally, these priorities also reflect the defense industry's preference for hardware over manpower. Eliminating unneeded weapons systems like the F/A-22 Raptor plane, the Virginia Class submarine, the DD(x) destroyer, and the V-22 Osprey helicopter could generate more than enough funds to finance needed increases in special forces and peacekeeping missions. Cutting back on ballistic missile defense and America's overly large nuclear arsenal—still, 15 years after the Soviet Union's collapse, a stunning 4,500 weapons, far more than are needed to hit any conceivable set of military targets—might finance increased expenditures on homeland-security needs. On the foreign-aid front, much good could be done by simply reorienting current spending, much of which is not seriously targeted at helping the world's neediest, and incremental progress toward the Millennium Goals would do enormous good even if we don't reach the targets in a timely manner.

When you're in a hole it's always a good idea to stop digging. The total bill for the Iraq War isn't yet a fixed quantity—it's still going on. Stiglitz and Bilmes assume, following the Congressional Budget Office, the existence of a small-but-continuous American military presence in Iraq through 2015. This estimate could, of course, prove mistaken (in *either* direction). But the sooner we get out of Iraq, the faster we'll be able to start directing our resources to more productive uses. Conversely, things could get much worse if, as some suggest, we launch a new war with Iran. To be sure, today's talk is of targeted airstrikes rather than full-scale war, but *talk* before the invasion of Iraq was of a \$50 billion to \$80 billion cakewalk, not a \$1.27 trillion debacle. The odds of the Bush administration suddenly deciding to change course are low, but with the GOP on the ropes politically, Democrats have the chance to outline a serious alternative agenda if they care to seize it. The country can ill afford to continue down its current path. **TAP**

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# IS IT GOOD FOR THE JEWS?

*The recent controversy over the Israel lobby has focused on how it distorts U.S. foreign policy. Forgotten is whether it helps Israel (and the peace process).*

BY DANIEL LEVY

ON MAY 23, THE HOUSE OF REPRESENTATIVES passed Resolution 4681, the Palestinian Anti-Terrorism Act, by a vote of 361 to 37. Nothing remarkable about that. But the passage of H.R. 4681 had all the ingredients of the worrying way in which the Israel-Palestine conflict has played out in American politics and policy for the past decade or more.

The American Israel Public Affairs Committee (AIPAC) lobbied enthusiastically for the bill. Many AIPAC supporters and donors, assuming that they were simply doing right by Israel, would be surprised and perhaps even shocked to learn that its provisions are significantly more draconian than Israeli policy. Israel has to live with the Palestinian reality on the ground, coordinate with whomever necessary on everything from security to avian flu, and distinguish between moderates and extremists. Congress and lobbyists do not.

Israeli officials, as had happened on numerous occasions, were concerned by this excess of zealotry, but they kept quiet for considerations of domestic politics and politesse. After the fact, while visiting Washington, Israeli Prime Minister Ehud Olmert of course welcomed H.R. 4681.

This congressional propensity to out-kosher the Israelis and

even give a nudge toward escalation led three prominent American-Jewish organizations—Israel Policy Forum (IPF), Americans for Peace Now (APN), and Brit Tzedek v'Shalom—to campaign publicly against the bill. In private, many representatives recognized the bill's shortcomings, but a yes vote was the path of least resistance.

Some members were intimidated. Unusually, one congresswoman who voted against the measure, Minnesota Democrat Betty McCollum, hit back after being accused of supporting terrorists by an AIPAC representative. In a letter to AIPAC Executive Director Howard Kohr, McCollum called on the organization “to immediately condemn this un-American attack and disavow any attempt to use this type of threat and intimidation to stifle legitimate policy differences ... until I receive a written, formal apology ... AIPAC representatives are not welcome in my offices or for meetings with my staff.”

Interestingly, the Bush administration opposed the bill, too. Presumably, the final legislation will look different and presidential waivers will be used against the more irksome provisions.

But back here in the Middle East, the damage has already been done. Moderates are undermined and critics of the United States strengthened, America is blamed for Palestinian suffering, and reformers once again lower their expectations of the United



States. How such a cavalier and irresponsible approach to a central foreign-policy question became so fashionable—and its implications for Israeli's interests, as well as future U.S. policy—is the subject at hand.

THE PUBLICATION EARLIER THIS YEAR OF A HARVARD University Kennedy School of Government paper by John Mearsheimer and Stephen Walt entitled “The Israel Lobby and U.S. Foreign Policy” placed the issue under a magnifying glass.

It is sensitive territory. Their thesis, and the counterattacks, have been well-rehearsed elsewhere, including most recently by Michael Massing in *The New York Review of Books*. Establishing some benchmarks is a worthwhile exercise. The more shrill conspiracy theorists who suggest the existence of an all-powerful foreign interest occupying Washington, such as “They Dare to Speak Out” author and former Republican Congressman Paul Findley and his Council for the National Interest (a group that I had the misfortune to be quoted by in a recent *New York Times* ad), are wide of the mark. Conversely, those defenders of the cause whose reflexive response is to cry antisemitism can be equally misguided and also do a disservice to the struggle against contemporary manifestations of real antisemitism.

## The interaction among these commands— defend Israel, save Soviet Jews, and remember the Holocaust —created the “counterrevolution” of the “new Jews.”

AIPAC's sheer name recognition and resources guarantees that most American Jews who care somewhat about Israel but are not policy wonks will likely choose it as their default vehicle for occasional involvement. But the so-called Israel lobby is not monolithic. Groups such as the Religious Action Committee of Reform Judaism, IPF, APN, and Brit Tzedek are probably more representative of American Jewish opinion than AIPAC (and closer to where the Israeli public and even much of government policy stands today). Polls repeatedly show that American Jews, unsurprisingly, are liberal on Israel-Palestine, just as they are across a range of issues. Paradoxically then, it could be argued that there is too *little* Jewish influence in Washington. If more American Jews took a keener interest in what was being advocated in their names on Israel-related matters, then things might look very different, and far more hopeful. And of course, AIPAC is not unique in being a powerful and influential lobby (as the group boasts on its own Web site) that flouts its success, or in largely representing a diaspora community on a foreign policy/homeland issue in controversial ways (just look at the role of the Cuban American National Foundation). Furthermore, AIPAC is not omnipotent, unchanging, or unchallengeable. It can also be a convenient scapegoat and excuse for failings of others or a credit-taking champion for the successes of more camera-shy actors.

So let's go back to our Palestinian Anti-Terrorism Act and ask how the automatic majority for ill-conceived measures be-

came the conventional stuff of U.S.-Israeli political relations.

Ten years ago, J.J. Goldberg, now the editor of the *Forward*, made the most valiant and serious effort to date to understand this phenomenon in his *Jewish Power: Inside the American Jewish Establishment*. The book is a warm and sympathetic insider's account, brilliant in its detail and piercing in its analysis. Goldberg claims that a set of factors had emerged by the mid-1970s that were to transform organized American Jewry and its political role, developments whose consequences fully came to fruition two decades later as the late Yitzhak Rabin pushed for peace (and as Goldberg wrote his book). He traces the stratospheric rise of Jewish institutional empowerment and politicization to three ingredients: Israel's Six Day War military victory and the Jewish nationalist passions it stirred just as the U.S.-Israel Cold War alliance was being cemented; the mass campaign for Soviet Jewry and its lynchpin role in U.S.-Soviet relations; and the belated rise of Holocaust awareness (and guilt) in popular culture and its attendant “never again” maxim. The interaction among these commands—defend Israel, save Soviet Jews, and remember the Holocaust—created the “counterrevolution” of the “new Jews,” a passionate minority of defensive nationalists driven by a terrible vision amid an overwhelming majority of still optimistic Jewish liberals. “Their defiance was so strident, and their anger

so intense, that the rest of the Jewish community respectfully stood back and let the New Jews take the lead. The minority was permitted to speak for the mass and became the dominant voice of Jewish politics,” Goldberg writes.

Donations to candidates were, of course, a big part of the rising influence. Today observers point to at least 36 PACs whose disbursements are predicated on an Israel agenda (although the PACs' names often seem unconnected). Playing internal American and Israeli politics has also become an essential part of the game. And while Israeli Labor Party politicians constantly fret at AIPAC's Likud tilt, the opposite accusation—that the organization acts as a liberal bridgehead—is not heard. For Israelis and Americans alike, the Rabin-Clinton Oslo years provided an opportunity to test the existence or otherwise of a hard-line ideological lobby leadership.

RABIN HAD AN OPENLY TEMPESTUOUS RELATIONSHIP with AIPAC. Having witnessed the organization's closeness to Likud, Rabin demanded that he and not they be the ultimate arbiter of Israel's dialogue with the United States.

Rabin might have been able to get his way with the executive branch, but it was a different story with Congress. For the United States to play its designated role in the peace process, enabling legislation needed to be enacted. This took the form of MEPFA—the Middle East Peace Facilitation Act of 1993. The conditionalities, certification, and reporting requirements that Congress

tried and sometimes successfully built into MEPFA, were an overt attempt to sabotage the peace process.

Worse was to follow. At a particularly sensitive moment in the peace negotiations and with the 1996 presidential and congressional elections approaching, a number of AIPAC and Republican leaders moved to throw a wrench in the works—the Jerusalem Embassy Act of 1995. The act required the U.S. Embassy in Israel to move from Tel Aviv to Jerusalem in a given time frame. It inflamed Arab opinion and cornered both the Clinton and Rabin governments. It had been tried before (and again since), but never had it been used as so blunt a political instrument in U.S. and Israeli domestic politics. Israel cannot publicly oppose it but has never prioritized it. Republican presidential candidate Bob Dole announced the initiative at the 1995 AIPAC Annual Conference. The Likud cheered, using it to attack Rabin precisely as the incitement that ultimately led to his assassination was reaching its peak. Itamar Rabinovich, then the Israeli ambassador in Washington, has called it the “The Jerusalem Hijack,” writing about “how embarrassing it was.”

So, the Rabin years represented a moment of truth for the American Jewish leadership—was it in the grip of Goldberg’s “new Jews,” or could it adapt to pursuing a peace strategy? The choices made then continue to cast their shadow now. Key AIPAC officeholders then who were sympathetic to the Rabin case, such as Steve Grossman and Neal Sher, were sidelined by the more hard-line, and often Republican-supporting, “old-guard leadership.”

As Goldberg concluded in his book back in 1996, “the most feared and respected pro-Israel lobbying organization can no longer be relied on to support the views of Israel, much less the views of American Jews.” In the following years, Israel under Benjamin Netanyahu, and in many ways the pro-Israel lobby, became neoconservative half a decade before the U.S. government. The luminaries of the neoconservative echo chamber and their institutional support system—Richard Perle, Doug Feith, Michael Ledeen, the American Enterprise Institute, the Jewish Institute for National Security Affairs, and more—had a few years’ practice whispering in an Israeli leader’s ear even before their Washington moment in the sun arrived.

The Netanyahu years sealed the ideological affinity of the Israeli right with the neoconservatives, and also with another influential American constituency—the Christian right. An entire industry has arisen of Christian right affiliation with and active support for the Israeli far right and the settler movement in particular. Many evangelical mega-churches have adopted settlements in the territories, or assisted new immigrants to live in settlements. Stephen Sizer’s book *Christian Zionism: Roadmap to Armageddon* details not only the theological sources of this relationship but also the astonishing density of this interaction.

The AIPAC relationship with the Christian Right is almost a “go ahead, test my chutzpa” moment for the descendants of Goldberg’s new Jews in simultaneously speaking for mainstream Jewry while acting in ways so antithetical to its core values. It is almost as if the pro-Israel lobby inhabits the rightist planet Likud, while Israelis live on the centrist planet Labor-Kadima.

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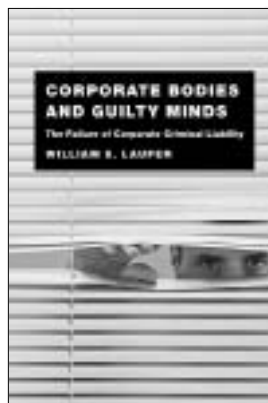


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**A**ND THIS TAKES US BACK TO THE QUESTION OF THE Israeli interest. Understandably, the debate usually emphasizes American interests and takes the Israeli side of the equation for granted. But is Israel being served by the current incarnation of the special relationship? Of course, such an alliance in a unipolar world is not something to be sneezed at. Israelis, public and elites alike, treasure the relationship. There is no Israeli Hugo Chávez out campaigning against the Yankee enemy in the barrios of Tel Aviv. Yet many senior Israeli figures, in and out of government, regret that the relationship is not put to more constructive use.

In researching this piece, I spoke with a number of former and serving Israeli officials, ministers, diplomats and journalists from several political parties. Many repeated the same re-

gest themselves. Let's call them: initiative recoil, the obstacle course, and an addiction to misbehavior without consequence.

Initiative recoil is a form of self-censorship, as when the U.S. government preemptively holds back from making a move or seizing an opportunity based on a calculation that it is not worth the likely domestic political fallout. Israel would sometimes greatly benefit from the initiative having been taken and/or is unable to make the first move itself. For example, in 1987, then-Israeli Deputy Prime Minister Shimon Peres reached the London Agreement with Jordan's King Hussein for resolving the status of the Palestinian territories. Peres beseeched then-Secretary of State George Schultz to take the initiative in pursuing the plan. Schultz declined. The moment was lost. More recently, success with the road-map plan would have re-

quired American initiative and leadership, but it was unpopular in Congress and with AIPAC. The Bush administration shied away. The road map is a dead letter. Today both the Israeli and Palestinian leaders, Olmert and Mahmoud Abbas, are publicly stating their preferences for a negotiated agreement. U.S. leadership is absent. Initiative recoil is the predictable and desired tribute to AIPAC's success, its effect felt in the diplomatic realm of paths not taken, something Israel has often later regretted.

The classic examples of the obstacle course are the MEPPA and Jerusalem Embassy Act stories cited above. The parties decide on a way forward and have U.S. support; lobbies then mobilize Congress to place as many obstacles as possible in their way. The process sputters, the United States loses credibility, the parties—having made courageous choices—take a hit in domestic popularity, and the fragile balance is made

shakier. If Israelis and Palestinians attempt again to engage in a negotiated process, then H.R. 4681 has all the trappings of an obstacle course waiting to happen.

Israel's settlement policy is the textbook case of developing an addiction to bad behavior without consequences. As with many addictions that are left untreated, the temptation is to escalate—build a separation barrier deep in Palestinian territory, expand the Jerusalem envelope of settlements—and thereby strangle the viable, agreed-upon two-state solution to which Israel now professes to be committed and which America officially advocates. All because the best friend gave the drunk driver the keys rather than taking them away. Israel is the largest recipient of U.S. aid, \$3 billion annually. Yet no serious leverage or bully pulpit is used. Instead, Israel can enjoy occupation deluxe. Israel has enjoyed wasting NIS 45 billion (more than \$10 billion) on settlements since 1967, according to a special *Haaretz* report.

The cumulative effect of all of this on regional perceptions of and expectations from the United States, on the ability to act and build alliances regionally and multilaterally, is hardly a se-



**Get the Point?:** The AIPAC logo looms over Condoleezza Rice, October 2004.

frain, which went something like this: “the pro-Israel lobby is an asset that can serve us and that no one will be hasty in abandoning, but our interests are not identical and we constantly have to maneuver around the obstacles they place in our path, especially when we pursue the peace option; when we ask something of the executive branch, a not unusual response is: ‘Go convince your friends in AIPAC.’”

Clearly, there is no one view as to what constitutes the Israeli interest, but the outlines of an emerging consensus are at least partially visible. Occupation is bad for Israel. When Ariel Sharon said it, the cat was well and truly out of the bag. Settlements have placed a strain on Israel's budget, defensive lines, and international reputation. They also breed an internal antidemocratic threat to the state. Peace and the territorial concessions entailed, including evacuating most of the settlements, is the best and perhaps only guarantee of Israel's future.

U.S. policy, under the influence of an unreconstructed Israel lobby of neoconservatives, fundamentalist evangelicals, and American Likudniks, is liable to follow directions that are unhelpful to this Israeli interest. Three unwelcome types of policy sug-



cret. Many of these issues exist in the margins of U.S. grand policy, but for Israel they can be defining moments and have dramatic implications. As Israeli author and commentator Tom Segev wrote in *Haaretz*: “Had the U.S. saved Israel from itself, life today would be better ... the Israel lobby in the U.S. harms Israel’s true interests.”

**B**UT INITIATIVE RECOIL, THE OBSTACLE COURSE, AND addiction to misbehavior without consequence, have not always carried the day or deterred executive action. Often forgotten is that American presidents over the past 30-plus years (and consistently since the end of the Cold War) have pursued initiatives seeking Middle East peace even in the face of domestic political opposition and lobbies. The current constellation of circumstances and executive branch timidity are, in key ways, the exception and not the rule. Jimmy Carter pushed hard to realize Israeli-Egyptian peace. Ronald Reagan started the U.S.-PLO dialogue. George H.W. Bush convened the Madrid Conference and linked American loan guarantees for Israel to settlement policy (remember Bush Senior’s famous remark on AIPAC opposition to linking loans and settlements: “I heard today there was something like a thousand lobbyists on the Hill working the other side of the question. We get one lonely little guy down here doing it.”) In addition to supporting Rabin’s efforts, Clinton pushed the 1998 Wye River Agreement in the face of Netanyahu’s obstructionism, presented the Clinton parameters in December 2000 and tried to broker Israeli-Syrian peace (twice!). And the current George W. Bush administration has not been immune to displaying vim—in endorsing the Mitchell Report, calling for a Palestinian state, and presenting the road map.

As the tide turned decisively against Colin Powell during George W. Bush’s first term, signs of courage waned and, since then, the United States has largely been AWOL. With the broader Middle East featuring so prominently in the U.S. policy debate, this absence of action is an ever more unaffordable luxury. Steve Clemons of the popular blog *The Washington Note* has suggested that this administration’s foreign policy soul is again now up for grabs, largely in the person of Secretary of State Condoleezza Rice, and that an Israel-Palestine moment of clarity is much needed.

So can Israeli and American interests dovetail and a push for peace be pursued without being shot down on the Potomac?

One final point may come into play that is both structural and very human. Structurally, AIPAC’s stock rises when Israel is isolated and embattled—when there is a cause. The converse is also true. During the Rabin period, as Israel flourished diplomatically, the Jewish community started to focus inward, 52 percent assimilation rates supplanted Arab threats, traditional priorities and funding patterns were challenged. I was chairman of the World Union of Jewish Students at the time and remember attending endless conferences on “Jewish Continuity,” time having been freed up from “defending Israel.” This was the time when AIPAC first started focusing seriously on Iran and the Iran-Libya Sanctions Act was passed. The connection is obvious.

At the human level, rubbing shoulders with power is exhilarating, and the access and attention can be intoxicating. Com-

pare its glitz and fund-raising zap to dealing with the local Jewish education curriculum. It is very human. Yossi Shain, an Israeli academic, has written a great deal about diasporas and in a John Hopkins University School of Advanced International Studies paper argues that “once a conflict is settled, the high-level meetings and phone calls may recede, and diasporic community leaders find that both their internal communal prestige and their external levers of influence degrade as a result.”

Writing during the Rabin era in an article entitled “Foreign Affairs: Mischief Makers,” Tom Friedman argued, “It is as if these organizations can only thrive if they have an enemy, someone to fight. They have no positive vision to offer American Jews.”

It would require huge institutional and personal efforts and realignments, but it is still not too late for AIPAC to be a part of providing that positive vision. That would mean cutting the umbilical cord to the neoconservatives, the Christian right, and Israel’s (now fringe) Likud party. The alternative for AIPAC would be to ultimately become a much loathed obstructionist footnote in history. The alternative for the moderate majority of Israeli and American Jews will be to forge new alliances and ensure that this time, the shared interest of peace and ending the occupation carries the day. **TAP**

*Daniel Levy was an adviser in the Israeli prime minister’s office, a member of the official Israeli negotiating team at the Oslo B and Taba talks, and the lead Israeli drafter of the Geneva Initiative.*

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# *Is the Common Good*



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# GOOD?

Five responses to “Party in Search of a Notion,” Michael Tomasky’s much-discussed essay on the future of the Democrats from our May issue

“*Party in Search of a Notion*,” the essay by *Prospect* editor Michael Tomasky, provoked a tremendous response from readers, other writers, and political leaders. Press attention included a front-page article in *The New York Times* on May 9.

To keep the conversation going, we invited five people to write responses. The ideologically diverse group includes William A. Galston, Jedediah Purdy, Fred Seigel, Amy Sullivan, and Ron Walters. We publish them here.

We want our print readers to be aware of an important essay we published on our Web site, “The Politics of Definition,” by John Halpin and Ruy Teixeira. This essay, also much-discussed, is available at [www.prospect.org](http://www.prospect.org).



**William A. Galston:** After a generation of conservative ascendancy, the astonishing crack-up of the Bush administration has created a real opportunity for progressives. The question is how best to seize it. Michael Tomasky is surely right to argue that tactics and policies alone cannot create a sustainable progressive majority. As he puts it, “Voters respond to ideas, and Democrats *can* stand for an idea: the idea that we’re all in this—post-industrial America, the globalized world, and especially the post-9-11 world in which free peoples have to unite to fight new threats—together, and that we have to pull together, make some sacrifices, and, just sometimes, look beyond our own interests to solve our problems and create the future.”

Although Tomasky’s idea of the common good operates at a high level of abstraction, we can begin to understand what it means by observing what it criticizes—namely, a progressive politics dominated by the concern for diversity and rights, by a congeries of self-absorbed identity groups, by indifference to the values and interests of working-class families, and by reliance on litigation strategies rather than the mobilization of democratic majorities. A party roused to passion only by conservative judicial nominees is not ready, or fit, to govern.

So far, so good. But Tomasky offers two different formulations of the politics of the common good. On the one hand, it consists in policies that would be “good for every American” by linking the interests of citizens with the public interest, as New Deal jobs programs and rural electrification and mortgage insurance did. On the other hand, it creates a politically effective moral basis for sacrifice of individual interests, exemplified by John F. Kennedy’s “Ask not ...” call to civic service. The problem is that these formulations don’t always cohere. For example, Tomasky criticizes advocates of court-ordered busing in the 1970s for focusing on the rights of African Americans

rather than on the interests of all Americans, as Lyndon Johnson had done a decade earlier. But narratives of racial conflict in works such as Anthony Lukas’s *Common Ground* and Jonathan Rieder’s *Carnarsie* make it hard to believe that the white working class would ever have accepted busing as consistent with their interests.

Tomasky asks us to believe that we can attribute the successes of the 1930s and the failures of the 1970s to differences in strategies of justification, to the fact that post-Great Society liberals “lost the language” of the common good. This is to endow public rhetoric with almost mystical power. The real difference is simpler: New Deal programs advanced the interests of the majority, while programs such as busing and the Office of Equal Opportunity attempted the harder task of challenging the majority in the name of justice for a long-oppressed minority. To be sure, it was possible to argue that in the long run we would all be better off. But in the time available to real-world politicians, not even the most adept appeal to the common good could have dampened white working-class resistance, which was the inevitable consequence of the policy itself.

My broader conclusion is that the Democratic Party has done much better with a politics of the common good understood as promoting the concrete interests of the majority than as requiring widely shared sacrifice. The language of sacrifice finds its natural home in circumstances of war. Ever since the time of William James a century ago, this fact has led the devotees of civic republicanism to seek the “moral equivalent of war.” They search in vain; there is no moral equivalent of war.

There is another practical difficulty with the bare idea of the common good. Very few candidates and elected officials overtly justify their programs as serving special interests. Ronald Reagan and George W. Bush argued that tax cuts for the well-off



would promote the common good by spurring economic growth; Bill Clinton argued just the reverse, that tax increases on upper-income families would better serve the common good by reducing the budget deficit, which would increase investment and accelerate economic growth. The appeal to the common good will not ordinarily differentiate the two major parties. The real work is done the next level down, when a political party commits itself to a specific conception of governance that it believes will best promote the common good.

For Reagan-era conservatives that conception was clear and simple: limited government, strong defense, and traditional values. Reagan's acceptance speech at the 1980 Republican convention was a classic of the genre. But so were Bill Clinton's speeches in 1991, beginning in Cleveland and ending at Georgetown. Those speeches attempted a break with both interest-group liberalism and with the portion of New Deal liberalism that had been overtaken by events. Clinton's proposed third way was not a mushy compromise between liberalism and conservatism. It represented a new conception of how progressive governance could promote broad-based improvements in the lives of citizens across the income spectrum, along with specific policies designed to translate that conception into practice. It was, in short, a politics of the common good, as was most of what the Clinton administration tried to do during its first two frantic years. Yes, the administration paid an early price for its ill-conceived gays-in-the-military initiative. But the budget, the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT), the crime bill, and health-care proposal were all designed to serve, and defended as promoting, the common good. They proved divisive, not only between the political parties, but also among Democrats. But it is hard to make the case that they pandered to special interests. On the contrary: The administration got into trouble because it said no to many groups that expected concrete benefits from the new Democratic administration. Critics can raise legitimate questions about Bill Clinton's conception of the common good. They cannot fairly claim that he lacked such a conception, or that he failed to pursue it. The political vicissitudes of his administration suggest that a politics of the common good will not by itself solve the Democratic Party's problems.

We should begin, rather, by defining the new challenges our country faces, not only in national security (the focus of so much anxious commentary since 9-11) but also in the economy. The stark fact is that the World War II-era social contract is unraveling at an accelerating rate. Not only is the public sector facing promises it will be hard to keep; the private sector is retreating from its central role in the provision of health insurance and guaranteed pensions, and the personal savings rate has plunged below zero for the first time since the Great Depression. The common good requires a new social contract that will provide the level of security needed to promote risk-taking and mobility, the keys to individual opportunity and economic growth in the new economy. Defining the terms of that contract will give progressives what they need—a conception of the common good that serves the interests of the overwhelming majority of the American people. It is only within that framework that progressives can effectively confront the forces FDR gleefully dubbed

“economic royalists,” or summon the people to face the wrenching changes that lie ahead.

— *William A. Galston is the Saul I. Stern Professor of Civic Engagement and interim dean at the University of Maryland's School of Public Policy.*

**Jedediah Purdy:** One of my favorite pieces from the *Onion*, the satirical newspaper and Web site, appeared just after September 11, 2001. It opened, “Feeling helpless in the wake of the horrible September 11 terrorist attacks that killed thousands, Christine Pearson baked a cake and decorated it like an American flag Monday.” True to form, the article is lightly ironic as it traces the fictional Topeka legal secretary's rummage through her kitchen cabinets in a frenzy of distress and media exhaustion. It ends, though, with a middle-American version of the “Yes” at the end of *Ulysses* as Pearson presents the confection to her neighbors:

“I baked a cake,” said Pearson, shrugging her shoulders and forcing a smile as she unveiled the dessert in the Overstreet household later that evening. “I made it into a flag.”

Pearson and the Overstreets stared at the cake in silence for nearly a minute, until Cassie hugged Pearson.

“It's beautiful,” Cassie said. “The cake is beautiful.”

I've been thinking about Michael Tomasky's essay since I first read it two months ago. I think it's insightful and important. And every time I think of it, my mind runs to the *Onion* piece, which felt emotionally truer to me in those weeks than all the soaring and (justifiably) belligerent responses of politicians.

When Tomasky writes about the common good, he means an idea about America that people identify with, that they feel is part of who they are. Tomasky isn't interested in just any community—the Catholic Church, black people, northern Californians—but in an idea of the national community. He wants that idea of America to have the power to make demands on us: to reveal duties and make us proud of fulfilling them or ashamed of failing them. And he wants Democratic politicians to call this idea of the common good into being.

He points to the mid-1960s as the last time Democrats talked convincingly about the common good, and points especially to President Johnson. LBJ is a good choice: less obvious than the Kennedys, and arrestingly eloquent in his best speeches.

Two strands of common-good language were strong in American politics in this period. One, which LBJ shared with the Kennedys and Martin Luther King Jr., is the one Tomasky wants the Democrats to re-take. It invited Americans to identify with the country as an unfinished project, full of promise but also burdened by moral failures and in danger of never becoming the nation it ought to be. This language was full of intense images of brotherhood, insisting, in the phrase now relegated to lefty bumper stickers, that no one was free while others were oppressed. King in his “I have a dream” speech praised whites who “have come to realize that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom.” Johnson, in the same civil-rights address that Tomasky aptly quotes, asked, “How many white lives have been scarred by fear,

because we wasted energy and our substance to maintain the barriers of hatred and terror?" The impulse in this language was moral connection to the national community: If America is unjust, every American is diminished. If America rights itself, every American is greater for that.

This strand also called on government to help make life richer and more meaningful. With the pen of speechwriter Robert Goodwin, the rough Texan LBJ spun images that far outdid poor Hillary Clinton's "politics of meaning." Defining the aims of the Great Society, he spoke of the need to move past "soulless wealth" to "enrich and elevate our national life, and to advance the quality of our American civilization." He defined the Great Society as a humanist paradise, "where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. ... Where the city of man serves not only the needs of the body and the demands of commerce, but the desire for beauty and the hunger for community." He evoked a country without poverty or racial injustice, but also one "where the meaning of our lives matches the marvelous products of our labor."

The second strand found its voice in Barry Goldwater and Ronald Reagan. Even before the New Left and the national meltdown over Vietnam, leaders of the New Right were calling on

He accused the Clinton administration of squandering the wealth and peace of the 1990s, and used President Clinton himself as an emblem of a feckless culture: "Our current president embodied the potential of a generation—so many talents, so much charm, such great skill. But in the end, to what end? So much promise to no great purpose."

Like LBJ and King, Bush is able to define national greatness in cultural, moral, and spiritual terms—the terms in which so many people understand their own lives as either rich or poor. Unlike them, he gives this call to greatness an entirely apolitical turn. "We discovered," he declared in his 2000 acceptance speech, "that who we are is more than important than what we have. And we know we must renew our values to restore our country. This is the vision of America's founders. They never saw our nation's greatness in rising wealth or in advancing armies, but in small, unnumbered acts of caring and courage and self-denial." LBJ named the same goals, although he did not write government out of the story: The Great Society was to be a place "where men are more concerned with the quality of their goals than the quantity of their goods." This is the everyday language of the good life. Bush may be inarticulate when left to his own words, but he can deliver his speechwriters' renderings of that language with con-

## *George W. Bush does a better Toby Keith than anyone in the Democratic Party. But he also does a better LBJ.*

citizens to identify with their version of national greatness. The difference was that they treated American greatness as something already achieved, threatened only by the self-doubt of wussy liberals. Goldwater announced confidently, "Now, we Americans understand freedom. We have earned it." For Reagan, the defect in American society was liberal reluctance to fight communism: "Should Christ have refused the cross?" he asked a national television audience in 1964, insisting that the country's freedom must be worth dying to defend. Both men invoked foreign peoples' struggle for freedom abroad, particularly in communist countries. But at home they found no room for what Johnson called, in praising the struggle for civil rights, "man's unending search for freedom." The language of Reagan and Goldwater offered national greatness as a source of personal dignity and a cause for self-sacrifice, just as King's and Johnson's did; but you can boil down its essence to Toby Keith's post-9-11 boast, "We'll put a boot in your ass, it's the American way."

What's remarkable today is that *both* strands are more alive in the language of the right than in progressive rhetoric. I doubt I need to persuade anyone that, even with his job-approval rating hovering in the batting-average range, George W. Bush does a better Toby Keith than anyone in the Democratic Party. But he also does a better LBJ than any Democrat but, maybe, Barack Obama in one of his now-and-again soaring moments. Accepting the Republican nomination in 2000, Bush sounded like LBJ tilting at "soulless wealth": "Prosperity can be a tool in our hands used to build and better our country, or it can be a drug in our system dulling our sense of urgency, of empathy, of duty."

viction and credibility. I am waiting for the progressive politician who can do the same, and tell the country what government has to do with the good life.

Let me give a few thoughts about why that is so hard to do, and what it might look like if it happened. First, appeals for progressive versions of economic fairness are harder to fit into the familiar story of American moral greatness than appeals for racial justice. There is a deep-seated and widespread belief that the American market economy is basically a natural and fair system, and that interference with it deserves suspicion. The famous statistic from the estate-tax debate, that almost 40 percent of Americans believe they are or soon will be among the wealthiest 1 percent of the country, is a testament not to bad actuarial skills but to the power of that belief: This economy will give me what I deserve. Princeton political scientist Jennifer Hochschild reports that an overwhelming majority of the country has agreed with the statement that people get their just desserts in American economic life. Hostility to taxes and open redistribution reflects a moral belief about what makes the country great, one that may fit awkwardly with Bush's language of compassion and opportunity, but which is openly hostile to a progressive picture of shared economic sacrifice.

Second, part of the reason progressive common-good language is so hard to find is that the last 40 years of progress in diversity and personal autonomy didn't just distract progressives from solidarity, they eroded our ability to invoke it convincingly. The inconvenient fact is that Americans are more willing to spend money to support people they see as like themselves than to sup-

port strangers—or worse. As Tomasky points out, the New Deal worked its wonders for a national community with white-supremacist struts. The part of the Great Society that we remember—the War on Poverty—had its genuine flaws, but it was broken in good part on racial resentment. Decades of real progress in tolerance and openness have made the country a much better one, but have also made us more nearly a country of strangers. I will take that combination in a heartbeat over a country of racial oppression, sexual inequality, and cultural conformity. But taking it means taking its costs. The equality of tolerance is not that far from indifference, and very far from the equality of opportunity that LBJ envisioned. Whether we can have both is, at the very best, an open question.

Third, the search for a richer life that LBJ identified with the Great Society is under way everywhere but in government: in yoga and Pilates studios, churches and living rooms, pharmaceutical labs and psychotherapy clinics, Rick Warren's church and the editorial offices of *Saveur*, and all sorts of consumer technology labs—the hundreds of thousands of places where billions of dollars and hours go into the unending search for meaning and satisfaction. In the last decade, parts of my social, professional, and emotional life have been changed by yoga, my laptop, the iPod shuffle function, and the American discovery of good food, to name only the less personal instances. I'd imagine I'm typical of *Prospect* readers, and lots of other Americans, in this experience. (Except for listing yoga instead of church, I'm not even sure I've distinguished myself from suburban conservatives.) Around the middle of April, as usual, I recalled Oliver Wendell Holmes' remark that he liked paying taxes because it felt like purchasing civilization. This year, it summoned nothing warmer than bitter irony as I thought about Iraq, Halliburton, earmarking, and cuts in Medicaid and student loans.

These are some of the reasons that I like to think about Michael Tomasky's essay and the *Onion*'s cake story at the same time. The *Onion* is written for people who sometimes feel the way I sometimes feel: cynical, a little too easily disappointed, attuned to the private satisfactions of self-cultivation, institutions and publications and neighborhoods that suit us, and, above all—if sometimes a little warily—friendship and love. *The American Prospect* also is written for people who sometimes feel the way I sometimes feel: partisan, hopeful, civic-minded, looking for a way to shape those feelings into commitments more definite than a “Kerry sucks less” sticker.

A progressive language of the common good will have to speak to people where they live. My guess is that will have less to do with historical wrong and destiny than LBJ and King's rhetoric, more to do with finding ways to make the workplace

more compatible with family life, mobility more compatible with security, and the (literal, not figurative) places where we live more compatible with living well. My guess is that, like the progressivism that helped shape the New Deal, it will involve not just rhetoric, but also appeals to institutional imagination and innovation, a search for new ways that education and public spending can make equality of opportunity a goal rather than a slogan. A Democratic Party that did this would reclaim for politics some of what we now instinctively ascribe to technology and private institutions: not so much the power to ennoble as the knack of improving our lives. But if we created a government that turned improving people's lives back into a credible political aim, that would ennoble us enough.

And it would help if the language were funny—funnier than this essay. Lincoln was funny. Reagan was funny, although with creepy flashes of sadism. Barack Obama seems to be funny. (“They say Democrats don't stand for anything. That's patently untrue. We *do* stand for anything!”) Wit doesn't muddy his gift for evoking the common good. I look forward to a progressive language that skewers right-wing pieties and lies with the withering, wry, plaintive exasperation of Jon Stewart, then gets down to explaining why we need a government that works if we're going to have the best lives we—all of us—can have. That will be a confection I can salute.  
— *Jedediah Purdy is a senior correspondent for the Prospect and an assistant professor of law at Duke University.*



**Fred Siegel:** When Michael Tomasky says that Democrats don't have a philosophy that unites their “hodgepodge” of interest groups, I can only nod in agreement. And when he notes that the Democrats have been frozen in a rights-based antimajoritarian posture for nearly 40 years, I can only remember that he was, when writing about the David Dinkins mayoralty in New York 15 years ago, one of the few left-liberals to see how much this would hurt Democrats nationally. And finally, when he argues that “immigration policy can't be chiefly about the rights of undocumented immigrants; it needs to be about what's good for the country,” I can only say amen. In fact there is so much to agree with that it seems almost churlish to have to point to the weaknesses, some severe, some specific, that undermine the argument.

First, the specifics: In Michael's account corporate leaders support affirmative action as a way of advancing the common good. This is a generous reading of corporate motives, large companies have found affirmative action to be a competitive advantage. They are already burdened with large “human resources” bureaucracies; affirmative action law imposes some of those



same costs on smaller and more nimble competitors. Interest groups will always game the rules.

He then goes on to confuse Lockean notions of tolerance with contemporary multicultural versions of diversity. But the first regards individuals and requires no positive affirmation of those with whom you disagree; the second easily shades over into the illiberalism of group rights and compulsory thinking. Rather than being continuous with each other, as he suggests, they are fundamentally at odds.

He says that LBJ's insistence that civil rights was good for whole country—something that is now obvious to virtually all—was an example of the kind of common good liberalism he hopes for. But then he says that in the 1960s a new generation exposed this “common good” as “nothing more than a lie to keep power.” Was it? Johnson knew full well that civil-rights legislation might cost the Democrats the South, but went ahead anyway. Worse yet, Tomasky invokes the old fraud Herbert Marcuse to claim that the New Left got it right when it insisted that the United States was an essentially totalitarian society trapped in a “comfortable, smooth, reasonable, democratic unfreedom.” This, at the very moment when the civil-rights and anti-war movements are coming to life, is a self-refuting assertion. But why invoke Marcuse,

but only about half of all liberals agree. That half, still faithful to the rights-based liberalism of the 1960s, will not be easily moved.  
— Fred Siegel is a senior fellow at the Progressive Policy Institute.

**Amy Sullivan:** The Lyndon Johnson speech that Michael Tomasky quotes in his call for a return to common-good liberalism is quite remarkable. It was given in 1965, when Johnson was making the case for civil rights to the country. It wasn't an appeal simply to blacks to shore up his political support among that constituency. Nor was it an attempt to imply that other groups who might feel threatened by civil-rights legislation would benefit materially from it as well. It was, instead, an argument that by protecting the rights of some of us and bringing them into the fold as equal members, civil rights served all of us—was a common good.

“Should we defeat every enemy, and should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation,” Johnson said. “Their cause must be our cause, too. Because it is not just Negroes, but really it's all of us who must overcome the crippling legacy of bigotry and injustice.”

*It's hard to insist that my economic behavior has implications for others, but in the social sphere, I can behave however I want.*

a man who was opposed to extending full suffrage to blacks on the grounds it would only trap them in the prison of America's false hopes? Marcuse never saw either Hitler or Stalin coming but he was always sure, like all too many liberal Democrats, that fascism had taken hold in America.

Marcuse's ideal, and the ideal of all too many liberals today, is based on European ideas of the good life. But Europe, beset by unsustainable welfare costs and an angry population of Islamic immigrants, is in serious decline. Somehow, no matter how badly things go there, American left-liberals imagine in the words of 1920s Greenwich Villagers that “they do things better there.” But as Europe's high unemployment and low growth and birth rates suggest, they don't. If they're to have a future, we will be the model for them and not the other way around.

Finally, he insists, “in theory, it is not inevitable that” the rights-based Millian and egalitarian Social Democratic strands of liberalism “must clash.” But when and where, other perhaps than under inspired leadership during a brief moment of New Deal glory, have they not clashed? The first is embraced, as it always has been, by upper-middle-class liberals, who don't want the politicians interfering with their idea of the good life that now includes the multicultural right to employ a low-cost Latino service/servant class; the second worries, quite correctly, that massive immigration will both depress their wages and displace them socially.

It's heartening to see Tomasky and others like Todd Gitlin and Paul Berman attempt to pull liberalism out of its morass. But their job is more difficult than they imagine. About two-thirds of Americans agreed that the United States is a fair and decent country,

It's hard to imagine a president giving that speech today. Indeed, for the past 25 years, we have rarely been spoken to as a nation, reminded of our responsibilities to each other. And that goes for Republicans *and* Democrats. Reagan used the language of common good, but it was his administration that sped up the slicing and dicing of the population into haves and have-nots. Clinton—perhaps, as Tomasky suggest, trying to shrug off some of the burdens of individualistic liberalism—emphasized the responsibility of certain groups (like welfare recipients) for themselves, or appealed to our sense of sympathy, not solidarity.

When liberals jettisoned common-good liberalism for the language of group and individual rights, they still retained the ideals of economic communitarianism. But their ability to articulate this principle was undercut by their embrace of social libertarianism. It's hard to insist that how I behave in the economic sphere has implications for others, but when it comes to the social sphere, I can behave however I want and no one else should care.

The idea of social communitarianism seems to tie liberals up in knots. We're afraid of sounding judgmental. We don't want to tell other people what to do. We don't think it's any of our business. If you want to market violent or exploitative entertainment that feeds our materialistic urges, it's a free world—go ahead.

But we don't have any of those same problems when it comes to economics. We're quite willing to judge CEOs who hoard enormous profits for themselves but leave their workers' pensions unprotected. We are happy to tell our fellow citizens that they need to pay taxes so that our common government can provide services to everyone. We think it's every bit our business

when corporations dump the nasty byproducts of their production into our environment, polluting our air and water.

The good news is that this tradition of economic solidarity just may be our bridge to return to a fully realized vision of the common good—one that embraces our economic and social responsibilities to each other.

As Tomasky explains the history of modern liberalism, the common-good tradition was jettisoned because it was seen to have failed significant groups in society—whether Asian Americans, blacks, or women. It was suspect and had to be replaced by an individualistic tradition that would either protect these groups or give them the justification to look out for themselves. Today, however, is it that second tradition that has become suspect, turning the left into a conglomeration of interest groups that have a hard time articulating shared purposes and causes.

Instead of repeating the mistakes of the past, though, and replacing one tradition with another, why not create a balance between the two? It's a false choice to assume that we can either pursue a common good or our own individual goals. The common good should not automatically include a lack of interest in protecting individual rights—and if it does, then we have the wrong conception of the common good.

—Amy Sullivan is an editor at The Washington Monthly.

**Ron Walters:** I do not believe that the Democrats' central problem lay in the lack of a "big idea" or a philosophy that can unite its constituencies. Rather, I believe that their problem lay in the emotional arena, and the politics, which flows from that sentiment, of fear and intimidation, created by the overwhelming revival of white racial privilege and militant capitalism organized into an aggressive movement that has skewed the electorate in a rightward direction. What has kept the Roosevelt-Johnson Democratic legacy from advancing is not the lack of a powerful organizing idea, but the force of the conservative movement and the retrenchment of Democratic leadership in its wake.

Al Gore won the election of 2000 without any changes in basic Democratic philosophy. The mystery, however, is that some of his party's leaders act as though he actually lost. The success of the conservative movement has intimidated Democrats into a behavioral mode that attempts to mimic conservative successes by co-opting aspects of its policy agenda. That is why the Republican victory in the 2004 election has seduced some to adopt a moral politics (like the common good) as the civic equivalent of religious values in the public sphere. In any case, a closely related formulation of the common good was presented with limited success by the communitarian movement, which briefly caught the attention of some activists in the Clinton administration.

Communitarianism, like the common good, attempts to split the philosophical difference between the old Democratic tradition of rights empowerment and the new conservatism of rugged individualism, by proposing a "rights and responsibilities" formulation. However, flaws in both communitarianism and the common good fail to acknowledge the strengthened impact in recent U.S. history of the racial hierarchy that has fostered a negligent distribution of social resources. Moreover, both schemes have weakened

the legitimacy of group-centered notions of social justice.

Even with regard to affirmative action, they foster notions of individualism contained in the rights and responsibilities language that constructs an alienating prism for the less advantaged groups that are attracted to the Democratic Party. Individuals emerge most commonly from strong groups, and it has been the hope of blacks, Hispanics, and other disadvantaged groups that the Democratic Party would be a vehicle to empower those groups, their communities, and neighborhoods to produce strong individuals.

The perception is palpable that the Democrats are shrinking from the unfinished business of poverty and problems such as employment, criminal justice, education, housing, and other social services. Such behavior is causing a youthful generation to question the party's commitment to their interests. They saw that in the 1990s, Democrats led the charge to adopt regressive policies such as the 1994 crime bill and welfare reform of 1996. Thus, the critical failure of Democratic leadership lay in neither acknowledging nor fighting for its own legacy, part of which has long suggested that by privileging the politics of those who need government most, one helps to achieve the common good.

So the mission of Democratic leadership should be to confront the core assumptions and actions of the Gingrich revolutionaries and expose them to the American people as an anathema to the common good, admittedly a key aspect of the Democratic regime to which we all aspire. The political coalition that opposes those assumptions will be formed on the plane of the historical realism, the territory out of which liberalism originally proved its mettle—under girding policies that, as Tomasky points out, have substantially improved the status of blacks and other disadvantaged people. But it should be well understood that the conservative movement did not merely capture the American electorate by crafting persuasive ideas; it also forged a political leadership dedicated to their aggressive, militant implementation. By comparison Democratic leadership has appeared timid and ineffective, not for want of ideas, but in confrontation with its adversaries.

Today there also appears to be a class problem in the Democratic Party, where some activists, often little different in class from their Republican counterparts, pursue a tactical politics of winning, utilizing a "split-the-difference" ideology in addressing elections, while large sections of an increasingly diverse rank and file continue to need a party that will fight for the interests of those not yet fully empowered as American citizens. Their central value appears to be to obtain and manage the power of the White House at any cost, even the cost of their party's legacy. As Martin Luther King Jr. once observed, poverty, racism, and militarism continue to pose serious obstacles to achieving a peoples' democracy. A party that devalues either its legacy or the interests of key constituencies will not help to remove these barriers to democracy. At each stage of the success of the liberal era in Democratic politics in overcoming such demagoguery, visionary leadership was crucial, but aggressive leadership was decisive. It is more necessary now.

—Dr. Ron Walters is the Distinguished Leadership Scholar and Professor of Government and Politics at the University of Maryland, College Park. His latest book is *Freedom Is Not Enough: Black Voters, Black Candidates and American Presidential Politics* (Rowan and Littlefield). **TAP**



**Split and Solidarity:** Port workers at a Change to Win rally in Los Angeles, April 2006

# HARD LABOR

**Change to Win** leaders had big plans last year when they left the AFL-CIO to do more organizing. The resolve is there—but so are all the usual impediments.

BY HAROLD MEYERSON

IT'S A COOL, SMOGLESS NOONTIME AT THE LOS ANGELES-LONG Beach harbor, and the guys who could be the future of American labor have lined up for lunch. Three weeks earlier, on May 1, the day that immigrants had stayed away from work, these truck drivers had shut down the port—America's busiest, through which 43 percent of all containerized U.S. imports flow. Fully 90 percent of the drivers had kept their rigs at home that day, as impressive a display of worker power as this nation has seen in a very long time.

Not that you'd know it when you talk to them, however. The truckers tell tales not of power but exploitation. Leonadez, a Salvadoran immigrant, has driven at the port for seven years—six days a week, 12 hours a day, moving two or three loads a day. He gets paid \$175 for each load, but \$100 of that is deducted by the guy to whom he's paying off his truck, who also makes him pay for his gas, tires, cell phone, and insurance, while providing Leonadez no benefits at all.

The drivers at the lunch wagon all have similar stories. They are not paid for the hours they spend in line in the terminals waiting for their loads. In a year, they clear roughly \$25,000. Nonetheless, they impressed themselves by their show of solidarity on May 1. "The more we are together," says Carlos, another Salvadoran immigrant, "the stronger we become."

But in this instance, solidarity may be its own reward and nothing else. For there are no real trucking companies that the



drivers can claim as their employer. As a consequence of the deregulation of trucking, and the pressure from shipping lines and retailers to keep transportation costs down, the drivers are classified as independent contractors, even though they depend on the shipping companies for their loads, for which they all collect the same crummy \$70 to \$75 per trip. Miguel Lopez, a Teamster organizer at the port, estimates that there are more than 350 companies for which the port's drivers work—all on contract. Many of those "companies" consist of a driver who's paid off his truck, has bought a couple more, and contracted with newer drivers who have to pay him for the privilege of driving their (actually, his) truck. It's capitalism in its rawest form—the exploited exploiting the super-exploited.

So forming a truckers' union at America's harbors is a good deal like squaring a circle: Nobody claims to be the drivers' employer. (FedEx, now the object of a Teamsters organizing drive, plays exactly the same game. Its drivers are considered independent contractors.)

In the mid-1990s, the Communications Workers of America (CWA) signed up 5,000 drivers at the L.A. harbor and found somebody who was willing to buy their trucks, but the plan collapsed because the union was unable to get the real economic powers—the shipping lines and the retailers—to accede to the drivers' demands, pseudo-employer or no. Now, it's the Teamsters' turn to figure out how to unionize drivers whom corporations classify as contractors, not employees.

Enter Change to Win.

The federation of the seven unions that recently left the AFL-CIO—the Service Employees International Union (SEIU) and the Teamsters, which both left a year ago this July; the United Food and Commercial Workers (UFCW); the Carpenters (which left years ago); UNITE HERE; the United Farm Workers (UFW); and the Laborers—came to Change to Win's founding convention last September in St. Louis pledging to organize the port truckers and 44 million American workers like them. Tom Woodruff, an SEIU vice president who's become the director of Change to Win's strategic organizing center, explained to the delegates that the unions gathered there represented the transportation, tourism, construction, retail, and health-care workers whose jobs couldn't be offshored or digitized. "Our success or failure will determine whether there's a middle class in America," Woodruff said. Like legendary architect Daniel Burnham, Change to Win was making no little plans. "We can't run small campaigns any more," Woodruff continued. "We have to figure out how to organize whole nationwide companies, whole sectors and whole markets." Visions of organizing Target or Home Depot—stepping stones on the way to Wal-Mart—danced in the delegates' heads.

These noble goals were also politically necessary. For the Change to Win unions had not left the AFL-CIO because they had political differences with the federation or some other conception of organizing. The *raison d'être* for Change to Win was behavioral: It would simply devote more attention to organizing. It would leave lobbying and politics and policy and international affairs to the AFL-CIO, electing to spend fully 75 percent of its resources (\$16 million in its first year) on Woodruff's strategic organizing operation.

Back at the L.A. harbor, though, reality intrudes. Lopez is a tough and seasoned union operative, but he is the sole organizer for a work force of 11,000. The real action is in Washington, at Change to Win headquarters. When I paid a call in late May, the federation's new digs inside a downtown office building were still under construction, and they had taken up temporary residence in SEIU's new Dupont Circle headquarters. There, three accomplished strategists whom UNITE HERE had given to Change to Win were, in conjunction with Teamster officials, figuring how to get around the independent-contractor conundrum. With port security now a heightened concern, the answer could be to persuade the various port authorities and harbor commissions to establish employment standards of their own. "A political solution is the key to it," one Teamster commented—a somewhat ironic assessment, given that the Change to Win unions had criticized the AFL-CIO for stressing politics over organizing.

In its aspirations, the work going on at Change to Win is reminiscent of the earliest days of the CIO, when John L. Lewis, president of the Mine Workers, and Sidney Hillman, president of the Amalgamated Clothing Workers (a predecessor organization of UNITE HERE), sent their own strategists to the fledgling CIO to figure out how to organize the auto and steel industries. But there the similarities end. CIO President Lewis directly hired thousands of organizers to recruit the autoworkers of Michigan, the steel workers of Pennsylvania, and the textile workers of the Carolinas. Change to Win has 10 strategists and a couple of organizers. It's up to individual unions to provide the on-the-ground organizing.

Many of the Change to Win staffers, such as capital strategist Bill Patterson, are brilliant union operatives. They probe the vulnerabilities of companies and industries and sectors. But they also have to assess the capabilities and vulnerabilities of their own unions. And there, at the very point of conception, virtually every Change to Win project has been put on hold—if not altogether aborted.

## DREAMS DEFERRED

The organization's own Web site tells the tale. It references six Change to Win campaigns: the Hotel Workers Rising campaign of UNITE HERE, an effort the union has been planning for five years to organize the entire Hilton chain; Uniform Justice, a three-year-old, largely stymied joint effort of the Teamsters and UNITE HERE to unionize the Cintas laundry company; Justice at Smithfield, a nearly 12-year-long campaign by the UFCW to unionize the world's largest hog slaughterhouse; a joint effort of SEIU and the Teamsters to organize bus drivers who are employees of a British conglomerate; the Teamsters port campaign; and a public awareness campaign directed at Wal-Mart.

Every one of these campaigns antedates Change to Win. Every one of them would be proceeding whether or not Change to Win had come into existence. In one way or another, the Change to Win unions are helping these campaigns out, but to date, that help consists chiefly of having smart people design a blueprint.

What the smart people haven't done is figure out how to initiate the kind of large-scale endeavor Woodruff spoke of, that would justify the establishment of a whole new federation and

the sundering of the old one. In the months leading up to Change to Win's formation, leaders of SEIU, UNITE HERE and the Teamsters spoke of Change to Win undertaking massive campaigns of its own. Teamster President Jim Hoffa pledged his union to back such action on the day he announced it was leaving the AFL-CIO. But no such campaigns have been launched, because two fundamental impediments stand in their way.

The first is that none of the legal, political, and economic obstacles to organizing have diminished just because seven unions have left the AFL-CIO. The hijacking of labor law, the resistance of almost all employers to unionization, the mobility of capital and immobility of labor—every factor that tilts the playing field against workers remains firmly in place.

The second is that the organizing capabilities of the seven Change to Win unions have not been altered by their move to a new federation. SEIU and UNITE HERE remain the state-of-the-art unions when it comes to organizing, with ample treasuries, smart corporate researchers, hundreds of organizers, and perhaps a dozen senior lead organizers who know how to run major campaigns. But two of Change to Win's three million-member unions—the Teamsters and UFCW (SEIU is the third of the mega-unions)—haven't done large-scale organizing in decades. The inability of these unions to organize, the UFCW in particular, has doomed the mega-campaigns that Woodruff rightly said were necessary. For as General Motors and Ford were to the CIO, so Target and Home Depot, and ultimately Wal-Mart, are to Change to Win—the commanding heights of the service economy.

One longtime union official who has worked with unions now in Change to Win sees the fundamental problem as structural. “They went and recreated the federation structure,” he says. “And the UFCW and the Teamsters still can't organize. So they're paralyzed. If you're gonna bust up the labor movement, you better do something!”

While Change to Win leaders may cringe at the harshness of that characterization, the work they've embarked upon amounts to a tacit acknowledgement that it's true. Much of the real work of the new federation is devoted to helping both major unions transform themselves so that they will at some point be able to wage major campaigns.



## ONE LONGTIME UNION OFFICIAL SEES THE REAL PROBLEM AS STRUCTURAL: “THE UFCW AND THE TEAMSTERS STILL CAN'T ORGANIZE. IF YOU'RE GONNA BUST UP THE LABOR MOVEMENT, YOU BETTER DO SOMETHING!”

“We're trying to restructure the entire UFCW,” says Joe Hansen, who became the union's president in the wake of the disastrous strike and lockout of its Southern California locals in 2004. Hansen took over a union that was a loose assemblage of autonomous locals, largely uninterested in organizing, and a national office with little research capacity and not much in the way of an organizing program. Problem is, it took both SEIU and UNITE HERE more than two decades to evolve from similar collections of locals with little strategic direction and minimal national capacity to the organizing machines they are today. If it takes the UFCW and the Teamsters (not to mention most other unions) an equivalent length of time to develop that capacity, they'll go out of business before they can save themselves.

“We have to do what SEIU did, but faster,” Hansen says. “When it comes to having the union develop the will to change, we're more than halfway there. Actually making the changes—we're not there yet. I'd like to do what SEIU did in changing its dues structure, set up a dedicated source of funding for organizing. I don't know if we can do that, but locals will probably ratify an increase if we go about it the right way.”

“Change to Win,” he concludes, “has made some of us look at our own internationals more closely.”

The primary venue in which such introspection takes place is the monthly meetings of the presidents of the seven Change to Win unions, which are also attended by Change to Win Chair Anna Burger (who is also SEIU's secretary-treasurer), Secretary-Treasurer Edgar Romney (from UNITE HERE) and Executive Director Greg Tarpinian. The meetings, say Burger, are marked by “the best dialogue in the labor movement in my lifetime. The presidents challenge each other.” In these meetings, says Hansen, “We've created a dynamic to support each other. I don't want to say it forces us to change, but we end up doing it.”

The unions' chiefs of staff also attend the meetings, but only the presidents, Romney, Burger, and Tarpinian speak. And it's not just the presidents who meet together. The organizing directors of the seven unions meet together weekly.

As one AFL-CIO staffer caustically notes, “They may be the only people in the country who are better at holding meetings than the AFL-CIO.” (Some Change to Win critics have taken to calling it, “Meet to Win.”)

## FROM THE ASHES OF THE OLD

By some measures, these interventions are helping. Teamsters Organizing Director Jeff Farmer notes that his union has now established a strategic research department and a global affairs department for the first time, and that the international's organizing department has grown from a dozen organizers to 100 over the past three years. But a veteran organizer at another union says that the Teamsters and the UFCW both still lack any senior organizers capable of running big campaigns, that it takes years of involvement in smaller campaigns to develop such staffers—and that these unions haven't really even waged the smaller campaigns yet.

Surprisingly, the man who was the moving spirit behind the secessions from the AFL-CIO and the formation of Change to Win, SEIU President Andy Stern, concurs with much of this assessment. Though Stern characteristically speaks in bold pronouncements about the need to alter the American labor movement, and pledged that Change to Win would do just that, his assessment of the organization's actual work is distinctly modest.

"The groundwork is being laid to do good things," Stern says. "There is capacity-building going on. We watch unions reallocating resources from the smaller campaigns to the bigger—not the bigger to the biggest yet. The trends are in the right direction, but clearly, it's a lot of work [for a union like the Teamsters or the UFCW] to go from local organizing or regional organizing to large-scale strategic organizing. When will we get there? Slower than I had originally hoped for—I originally thought we could do it quickly—but faster than I had feared. We were overly ambitious at the start about what we could do."

To date, Change to Win's other activities have had a similarly modest scope. In April, the federation staged a week of sparsely attended "Make Work Pay" rallies that focused on the sins of Wal-Mart. The campaign bore a clear resemblance to the "America Needs a Raise" campaign waged by the AFL-CIO 10 years previous, though the earlier effort was part of an ongoing, and ultimately successful, endeavor to raise the federal minimum wage.

The other activity that Change to Win leaders point to is the coordinated leafleting in the downtowns and airports of roughly 90 cities alerting consumers to UNITE HERE's Hotel Rising campaign—and the possible strike against Hilton hotels this summer. Organizers from all seven affiliates took part in the three-day campaign, which was coordinated by former AFL-CIO organizing director Richard Bensinger.

Change to Win's critics were unimpressed. "That's what [the AFL-CIO's] Central Labor Councils are for," says one. "You cannot convince me that having Bensinger, brilliant though he is, coordinate a leaflet distribution justifies the split. That's pitiful!"

On the other hand, a number of key unionists who remain within the AFL-CIO express relief that the consequences of the split have not led to the disasters they anticipated a year ago. Paul Booth, a senior staffer and chief strategist at the American Federation of State, County and Municipal Employees (AFSCME), observes that, "it's not the end of the world." The inter-union raiding he feared, Booth says, has died down after an initial flurry following the split. Politically, the federations

are working together, with 1,200 Change to Win local unions paying dues to retain their membership in the AFL-CIO's local Central Labor Councils, the chief vehicles through which unions do their election work. Unions from both sides of the split worked together on elections in California and New Jersey last year, demonstrating, says Booth, that successful political campaigns were possible "as long as we tried to function as if the split hadn't happened."

In two states, Michigan and Minnesota, Change to Win unions have chosen not to work within the existing AFL-CIO state bodies and have set up councils of their own. (In Michigan, many of those unions have long chafed at the domination of the United Auto Workers.) But more commonly, locals from the two federations are working together, and the national Change to Win plans to invest heavily in political operations alongside those of the national AFL-CIO this fall in three key states—Ohio, Pennsylvania, and Michigan. At the same time, leaders of AFL-CIO unions bemoan the time and energy spent having to rebuild the unions' political operation in a year when unions are scrambling to establish election operations in the ever-expanding number of swing districts. And some note with bitterness that the split forced the AFL-CIO to scrap its International Affairs Department, which was probably the single most effective proponent of global social democracy in an ever more Dickensian world.

But Change to Win's critics all circle back to its failure to live up to its initial promise to organize more workers. "Where are the millions of new members?" a critic wonders. "Being in the AFL-CIO didn't stop them from organizing; leaving didn't help them."

"Change to Win hasn't developed a single campaign of its own," says another. "I just don't think they can last."

That's an assessment that Stern disputes. "I think Change to Win is a permanent organization," he says, "but the form and structure for its campaigns require constant rethinking."

The UFCW's Hansen isn't so sure. "Overall, I feel positively toward Change to Win," he says, "though at times it's been bumpy. We'll still be here a year from now. I can't see past one or two or three years, though. At some point, there will be one federation again—but not the AFL-CIO as it currently is."

One official of a Change to Win union thinks that Hansen speaks for more of the seven presidents than Stern does. "Many of these guys tried to keep the split from happening," he says, "but they cast their lot with Andy. Now they want the Federation put back together, but they don't have a roadmap of how to get there. It's hard to see how they can come back now and still save face."

AFSCME's Booth concurs. His first union job, he recalls, was at the American Labor Alliance (ALA)—a mini-federation of the United Auto Workers and the Teamsters that UAW President Walter Reuther set up in 1968 after his union left the AFL-CIO out of frustration with George Meany's foreign policy and Meany himself. The ALA collapsed within a couple of years, Booth points out, but "look how long it took the UAW to come back into the AFL-CIO: 13 years. It took a long time even after the original rationale for the split was long forgotten."

Organizations can take on a life of their own. Organizing, meanwhile, has grown no easier. **TAP**



# Culture & Books

*"Read Eric Boehlert's devastating book. Read it and weep, tear your hair, rend your garments, gnash your teeth."*

— PAGE 52



**So Damn Reasonable:** In *West Wing* world, policy mattered and intentions were good on both sides.

## TELEVISION

### CHICKEN WING

*The West Wing will live on, and on, in syndication and on disc. But its real-time demise thankfully brings an end to a potent liberal allegory.*

BY EZRA KLEIN

BY THE TIME YOU READ THIS, *THE West Wing* will have ended weeks ago. Matt Santos will have picked out his Oval Office rug, and Josiah Bartlett will be boring building contractors with rapid-fire trivia as they haggle over the final details of his library. The Sunday nights of liberals, once occupied, will now be free: free to watch DVDs of the show's seven seasons, of which the first four seasons (those written by Aaron Sorkin) are now a staple in every liberal's library; and free to watch reruns of *The West Wing*, which, along with celebrity poker, comprise almost the entire programming

lineup for Bravo. Bartlett, I fear, has not yet begun to fight. But if *The West Wing* isn't really ending, the particular liberal psychology it chronicled is. And that's probably for the best.

Peggy Noonan described the show as a "liberal's wet dream," and John Podhoretz termed it "political pornography for liberals." And maybe it was. But if this is smut, then my, what earnest, studious, fair-minded smut we favor. Because what *The West Wing* presented wasn't a world where liberals won every war or triumphed in every battle, but a world where policy mattered, where intentions were

good, and, most of all, where the vast majority of characters busily striding through the halls of power were good, honest, well-intentioned folks. Even the Republicans.

Especially the Republicans.

It was a Republican, after all, who saved Leo McGarry, the beloved White House chief of staff. During hearings held to determine whether Bartlett had lied about his health during the campaign, Representative Darren Gibson, a Republican member of the Judiciary Committee, was set to reveal that McGarry suffered a relapse into alcoholism only moments before a presidential debate. Cliff Calley, the committee's majority (GOP) council, protested the allegations' relevancy. The reason for the hearings, he argued, was to find out whether the President broke the law. No, Gibson replies: "I live in the actual world, where the object of these hearings is to win." Calley's riposte, a fantasyland example of how Democrats wished Republicans had operated during the Lewinsky hearings, is one of the show's great bits of dialogue. "No, it's not," Calley says. "Not while I'm the majority counsel, it's not. This is bush league! This is why good people hate us. This, right here. This thing. This isn't what these hearings are about. He cannot possibly have been properly prepared by counsel for these questions, nor should he ever have to answer them publicly. And if you proceed with this line of questioning, I will resign this committee, and wait in the tall grass for you, Congressman. Because you are killing the party." Calley's monologue convinces the committee chair, the tall grass stays unruffled, and McGarry's shame remains his own.

The show is peppered with moments like this, moments when the Republicans are good and those few who aren't, like Gibson, are swiftly dispatched. The just-ended final season was the apotheosis of the *West Wing* imagination—two presidential can-

didates, the Republican more decent and virtuous than even the Democrat. Arnold Vinick was a liberal McCain: deeply pro-choice, concerned with inequality and poverty, and determined to exorcise religion from the public sphere and rescue his party from the fundamentalists. During the Iowa caucuses, it was Vinick alone among the candidates (of both parties) who had the stomach to denounce ethanol subsidies. He had the one virtue the show deems unconquerable: virtue.

Indeed, the show strained almost too hard to protect his purity. The one time Vinick attempted a pander, offering the vice presidency to his Pat Robertsonesque primary challenger Don Butler, Butler turned him down flat, explaining that his pro-life beliefs were sacred and he couldn't sacrifice them for the slot. If

A tour of conservative cultural phenomena doesn't turn up anything quite so generous. Rush Limbaugh has mused that "what's good for al-Qaeda is good for the Democratic Party." Michael Savage predicted that a John Kerry presidency would declare the Bible a "hate book" and create a market in "baby body parts." Compare that with the liberal commuter's favored companion: National Public Radio's comforting, politics-as-Plato-conceived-of-it drone.

Television is little better. Who can forget that very special episode of Pat Robertson and Jerry Falwell's *The 700 Club*, when the two agreed that gays, feminists, and the liberals who love them caused September 11? Or Fox News' John Gibson saying that "of course" the terrorists wanted John Kerry to win?

ground and *bio-mechanically enhanced* so as to do the job.

But this is not to tumble into stereotype and observe smugly that liberals are decent folk who deserve no end of gold stars for believing the best of their opponents. Quite the opposite, in fact. The consumption of such peaceable, comforting conceptions of the world as *The West Wing* offered softened the left. The belief that, deep down, their political opponents had the country's best interests at heart, that they were misguided dogooders rather than aggregations of corporate interests and constituent demands, was poison for the Democratic Party. It helped create the mindset that left Alan Colmes one of the most prominent progressive media personalities; that allowed Tom Daschle and Dick Gephardt to get so routinely outmaneuvered by the Republicans, seeing their carefully crafted compromises torn apart in conference committees staffed by the Republican leadership's handpicked negotiators; that led Democrats to unite after September 11 and largely support the Iraq War only to be blindsided when George W. Bush appropriated Joe Lieberman's Department of Homeland Security, added union-busting provisions, and rode it to victory in the 2002 elections. These Democrats insisted on believing the best about their opponents, and so were comically unprepared when the right played hardball.

So as *The West Wing* exits stage left, so too does the mindset that created it. Daschle and Gephardt have given way to Harry Reid and Nancy Pelosi, and now it's the Democrats deploying parliamentary jujitsu to force hearings and sink legislation. NPR is still around, to be sure, but Air America has burst on to the scene, boasting a full lineup of enthusiastic air-wave warriors. Stephen Colbert has stepped forward, finding popularity and success by parodying the bloviating buffoons of right-wing media. And the blogs have grown fruitful and multiplied, bringing with them an appetite for confrontation and a talent for pugilism that's begun to reshape the political landscape.

One could moan this, lamenting the exit of civility and the acceptance of

## *A right-wing comic book posits a President Gore criminalizing outspoken conservatives through the "Coulter Laws" and ceding the military to the U.N.*

Joe Klein characterized Bill Clinton in *Primary Colors* as so talented that the universe seemed unwilling to let events drive him from politics, *The West Wing* made Vinick so good that the world refused to abet his attempts to sin.

And it was Vinick who was supposed to win the election, at least until John Spencer, the actor who played McGarry, was felled by a heart attack. His passing was subsequently mirrored in the show—art imitating death—and the screenwriters decided that the audience couldn't bear a further blow against the Democrats (two of the writers, Eli Attie and Lawrence O'Donnell, are former Democratic aides). Santos won, and subsequently made Vinick his secretary of state.

THIS WAS THE WORLD OF *THE WEST Wing*, a realm of comity, decency, respectable opponents, and honorable intellectual warfare. A world where the moderate Republicans triumphed and the ideologues got rolled. It laid bare a peculiar, and possibly temporary, quirk of liberals: their aching desire to believe the best of their opponents.

On the literary side, the eschatological dime novels of the *Left Behind* franchise make the Antichrist the secretary-general of the United Nations. But the cake is taken by a new conservative comic book series, "Liberality For All," which imagines a world in which Al Gore won the 2000 election. According to the authors, the comics are aimed at answering the age-old question, "What if today's anti-war Liberals were in charge of the American government and had been since 9-11? What would that society look like in the year 2021?"

Since a graphic novel tracking the establishment and continued funding of the Social Security "lockbox" probably wouldn't sell, the comics see Gore criminalizing outspoken conservatives through the "Coulter Laws" and ceding control of the U.S. military to the United Nations. Meanwhile, Osama bin Laden becomes Afghanistan's ambassador to the U.N. and, predictably, concocts a plan to nuke New York. He must be stopped, and who better than the—I'm serious here—super-team of G. Gordon Liddy, Sean Hannity, and Oliver North, who've all been driven under-

trench warfare. But why? The Clinton era, which provided the inspiration for *The West Wing*, should not have proved a notably tense period. After 12 years of Republican presidents, Democrats had elected a leader who promised to banish that which was most controversial and inflammatory from the party. It was precisely the sort of performance that *The West Wing*'s Republicans would have cheered. And yet it was Clinton, after exiling Jesse Jackson and eschewing so-called "class warfare," who gave rise to the ferocious Newt Gingrich and the hardliners of the Republican Revolution. Whatever goodwill and good faith he initially displayed was met with correspon-

ding increases in partisan rancor and contempt. What explanation is there save that they smelled blood?

It's counterintuitive, to be sure, but it may be that the only way to ratchet down tensions is for both sides to come armed. And that can't happen so long as liberals believe that, deep down, conservatives don't really want to fight. For now, however, rapprochement is a decidedly second-tier consideration. I'm certainly a typical liberal softie who thrilled to *The West Wing*'s world of comity and compassion. But nowadays, I'm also a post-Bush liberal: As much as I want us to all just get along, I'm much more interested in seeing us win. **TAP**

## BOOKS

# OVERSEXED

**WHEN SEX GOES TO SCHOOL: WARRING VIEWS ON SEX SINCE THE SIXTIES**

BY KRISTIN LUKER Norton, 416 pages, \$25.95

BY SARAH BLUSTAIN

**F**ROM A PARENT'S POINT OF VIEW, it's easy to see how sex education would be a disaster: How can a teacher standing in front of 30 embarrassed pubescent boys and girls do justice to the complicated and personal issues around sex?

From a policy point of view, however, sex education is a necessary evil: It offers information that young people need but often don't receive from their parents (who would impart their own values in the process) because too many parents—by message, example, or default—teach their children that unprotected and non-monogamous sex is OK, pregnancy and sexually transmitted diseases notwithstanding.

Kristin Luker is right, then, when she argues in her new book *When Sex Goes to School* that values are at the heart of the debate over sex education. The central purpose of sex education, however, is not to teach values but to cut down on the social costs of unwanted pregnancy and sex-related illnesses. And it is here that Luker and I part ways.

As Luker shows, much of the history

of sex education in this country has, in fact, been an attempt to teach not about sex but about values—specifically values regarding marriage and the role of women in society. In a couple of engaging historical chapters, among the most interesting in her book, Luker takes us back to a little-discussed sexual revolu-

tion at the turn of the 20th century. That earlier revolution, spearheaded by prominent Progressives, was the first to introduce sex education into America. The movement was overtly feminist—it sought to do away with prostitution and the exploitation of women. And it was overtly feminine—the early sex-ed activists promoted a "single standard of sex behavior" that was essentially female. "In place of the imperious, hotheaded, and hard-to-control male sexuality of the previous century," Luker writes, "the social hygienists proposed a tender, intimate, comradely, and feminized sexuality modeled on existing notions of how women experienced their own sexual drives." At root, the first wave of sex education was about sex as a tool for romantic monogamy, "a new model of marriage-as-intimacy," as Luker describes it, "then emerging among the middle and upper classes."

The sexual revolution of the 1960s and 1970s reflected other values. Yes, this sexual revolution was, like its predecessor, feminist in its pursuit of a single standard of sex behavior. But that standard, argues Luker, was not what the first sex educators had hoped: "Women began to conduct their sex lives in much the same way that men did." Faced with an apparent explosion of nonmarital sexual activity, the new sex educators realized that "values" in the traditional sense would no longer speak to the needs of



**Too Sexy For My Students:** A sex education class at a Seattle high school, February 2006



the students in their classrooms. So many kids (and adults) were going to have sex outside marriage that the sex-ed teachers focused on risk reduction. It's true that certain "values" accompanied this education—a belief that the best tool schools could offer young women and men dealing with the new sexual climate was information. But perhaps the most significant moral step was sex ed's acceptance of sex outside marriage, albeit on pragmatic grounds.

Today, the fight is between those educators and others who would reintroduce the moral vocabulary of marriage back into the classrooms. As Luker shows, the fight is still on the liberal turf of risk reduction: Both sides claim the efficacy of their programs in reducing teen sexual activity, pregnancy, and sexually transmitted diseases. But Luker isn't too interested in this research because, despite her moderately liberal tone and her inclination to buy in to the value of comprehensive sex education, she also would like to see values back in the conversation.

It doesn't become clear until the end of her book that Luker has a values agenda. After eight chapters in which she carefully straddles the moral fence, she makes a rather sudden, and to me genuinely awful, leap toward policy. She declares that because the debate over sex ed gets its passion from disagreements about equality, those disagreements need to be part of sex ed. Young women and men, she asserts, "need to know that the women's movement has not delivered on all of its promises and that men and women rarely share full equality in all realms of life." And, she says, we are still debating whether "the gender and sexual revolutions of the 1960s and 1970s have not entirely fulfilled their promises or were based on empty promises to begin with. ... [S]exual liberals and conservatives will surely continue to differ as to whether treating women as fundamentally equal to men or treating them as fundamentally different contributes more to social and personal flourishing ... So why not tell adolescents this?"

Why not, indeed. As a woman, albeit a grateful 20 years out from my own sex education, I cannot think of a worse idea.

Imagine yourself 14 years old, female, just over the edge of puberty, sitting in class with your peers. You barely understand how to fasten your own bra, let alone imagine yourself as part of the whole history of women in America. You certainly think that your whole life is ahead of you. In sex ed, you learn about human biology and pregnancy. You learn that to prevent AIDS and other diseases, plus pregnancy, you should always use contraception, specifically condoms. And then ...

Your teacher suggests that reasonable people can disagree about the role of women in society. Some, she says, believe that women and men are equal, and that women—because fate has dealt us the hand of potential pregnancy—are owed the dual tools of contraception and abortion to level the playing field. But some others believe that women and men are essentially different. This takes us back to a time before the *first* sexual revolution: As Luker's own telling of history shows, such views are rooted in the belief that women and men have different spheres, talents, and places in society—as well as different sexualities.

To teach that reasonable people can disagree over whether men and women

are "equal" or "different" highlights equal and different as opposites. And in this discussion, "difference"—despite the efforts of self-styled "difference feminists"—reflects notions of sex and gender that cannot be decoupled from truly archaic visions of what women deserve; it denies those gains that the feminist, not the sexual, revolution won for us. (Luker herself relates that some abstinence texts already show gratuitous pictures of women doing housework.) Quite a lesson for our 14-year-old girl to take home from school that day.

Of course, Luker is right that "the debate about sex education gets its passion from deeply felt ideas about gender, and women's roles in particular." The question is whether we should allow the passion behind those values to drive our decisions about what to teach our teens. The point of public policy should not be to finesse the value question to try to please all sides, as Luker does. Troubling abortion trends notwithstanding, we can no more go back to a pre-sexual revolution, pre-contraception world any more than we can go back to a pre-industrialized world. There will be risk, and the point of sex education should be to reduce it. **TAP**

## BOOKS

# ALL THE PRESIDENT'S PETS

**LAPDOGS: HOW THE PRESS ROLLED OVER FOR BUSH** BY ERIC BOEHLERT  
Free Press, 352 pages, \$25.00

BY TODD GITLIN

**I**T WILL COME AS NO SURPRISE TO readers of these pages that the galloping pack of Washington journalists has spent much of the last five and a half years rolling over for an alternately (and sometimes simultaneously) fanatical, inept, mendacious, and clueless George W. Bush. In the run-up to war, they gave him the benefit of many undeserved doubts. When he claimed to accomplish his mission, they saluted. They buried their doubts and when the time came for apologies displayed remarkably little curiosity as to how they had acquired so many sins to apologize for. Even today, with Bush's ap-

proval ratings on the shadowy side of one-third and his coalition unraveling, they leave much of his malfeasance and that of his entourage barely noticed. When they do unearth telling dots, they soon re-inter them unconnected.

If you have any doubt, read Eric Boehlert's devastating book. Read it and weep, tear your hair, rend your garments, gnash your teeth. If you still doubt, you must in all honesty ask yourself what evidence it would take to convince you that the game is rigged.

Choose pages of Boehlert at random. You'll be reminded, if you needed remind-

ing, how regularly Tim Russert lies down for Republicans. (In 2004, *Meet the Press* had room around its round tables for 13 times as many conservatives as liberals, though during the first 10 months of 2005 the ratio slumped to a mere 3-to-1.) You'll discover Ted Koppel covering for Colin Powell and Gwen Ifill doing likewise for Condoleezza Rice. And who can forget the moment when *Time* deemed Ann Coulter a "public intellectual" worthy of cover treatment, and, scouring her oeuvre, failed to "find many outright Coulter errors"?

If you can stand to revisit the Swift Boat debacle, wherein a credulous press gave credence to a liars' campaign that torpedoed Kerry (helped along by Kerry's ineptitude) [see my "Swifter than Truth," *TAP*, November 2004], Boehlert goes voluminous on it—chapter, verse, and footnote. Likewise on Bush's MIA National Guard days, and Judy Miller, and the Downing Street memo, and on the disproportion between Whitewater coverage and anything in Bush's career (and Boehlert doesn't even mention the tale of Bush's timely unloading of his Harken stock), and, and, and.

However skewed you think the media have been, it may at times be worse than you think. Boehlert tells us that, during the entire 2000 campaign, ABC's evening news show never—not once—referred to Bush's carefree National Guard record. Outside *The Boston Globe*—whose Walter Robinson did yeoman work on discrepancies, omissions, and plain distortions in Bush's accounts—the total number of media accounts that mentioned both his absenteeism and Texas pol's Ben Barnes' acknowledgment that he tried to sneak young Bush into the Guard: two. The number of accounts of the phony charge that Al Gore claimed to have invented the Internet: more than 4,800.

Or take CNN's news chief Eason Jordan, later attacked by the right as insufficiently patriotic. In the run-up to the Iraq War, Jordan vetted the network's ideas for on-air military commentators with the Pentagon.

Or this tidbit about *Time*'s house liberal. In the issue of December 10, 2005, Joe Klein quoted Howard Dean as follows: "The idea that we are going to win

this war ... is just plain wrong." Klein added: "Dean—as always—seemed downright gleeful about the bad news. He seemed to be rooting for defeat." Wonder what Klein dropped from the Dean quotation in favor of those three little dots? The word was "unfortunately."

Boehlert is not unimpeachable. His endnotes are incomplete, with some sources missing and therefore uncheckable. I checked six factual claims that made me wonder, including the items above. Five he got exactly right. The sixth was mistaken in such a way as to indict big media unconvincingly. Boehlert suggests that *Wall Street Journal* editors moved Middle East reporter Farnaz Fassihi, whom he calls "Famaz," out of Iraq because of her widely circulated, grim e-mail report on conditions there. But Fassihi herself insists she was on a scheduled rotation. To be definitive, Boehlert has to do better homework—even in the first rough draft of history.

Still, you can take Boehlert's case and discount it by half. Note, as did Jack Shafer on *Slate*, that Boehlert is more convincing about the obsequiousness of television's poor excuses for journalists than about the nation's hotshot print operatives. After all's said and done, what Boehlert leaves you with is a mountain of evidence that much of the press corps (TV more consistently than print) has not just failed to deliver some well-deserved punches, but effusively slobbered over Bush.

After everything Boehlert adds to Eric Alterman's *What Liberal Media?*, what's a conservative critic to do with the talking point that the mainstream media are "liberal" if not satanic? Play nyah-nyah-so's-your-old-man. On *National Review Online*, Stephen Spruiell thinks he has scored the gotcha of all gotchas with this: "Eric Boehlert would freak out if you were to point out to him how much his book *Lapdogs* ... reads like a mirror image of the conservative press criticism he despises." This waddles and quacks like a canard. If the right had the left's evidence, the debate could be serious. But the right isn't and neither is the debate. It's past time for the canard to be roasted for dinner.

Intellectually, the interesting question is: Why this skew? Boehlert isn't systematic. In ascending order of importance, I

would say, first, that reporters fear losing access if they show themselves (and, by extension, their organizations) to be too persnickety. During the 2004 campaign, Boehlert notes, a *New York Times* reporter was barred from the Cheney press plane. (He doesn't point out that this item was reported not in the *Times* itself but in *The Christian Science Monitor*.)

Second, television's owners know what government decisions can do for them—and conversely. The instinct to go for the big story gets overridden when one risky piece flops; the network gets nervous about others. In 2004, *60 Minutes* was ready to go with an Ed Bradley segment investigating the Niger forgeries—replete with material on the Italian intelligence intermediaries never shown elsewhere. This was the segment foolishly shelved for the disastrous Dan Rather-Mary Mapes piece of September 8, 2004, on Bush and the Air National Guard, the one that returned the initiative to the White House because CBS did such a shoddy job authenticating documents. Almost two years have passed, and the Niger piece still gathers dust on the CBS shelf. It stretches credulity that CBS top management is indifferent to the economic advantages of keeping goodwill in the White House.

Third—and partly for reason two—big media are uncomfortable with opposition to power. The glory years of Vietnam and Watergate, however noble for Hollywood purposes and J-school lore, unnerved them. They're vulnerable to being battered by Fox, Rush, and the dittoheads barking over their right shoulders. So they bend over backwards to prove, even to themselves, that they're not lefties. To be oppositional—to call a falsehood a falsehood—would ill-comport with the absurd standard of fairness that guarantees, in their eyes, their professional status.

Thus they end up trapped in the notion immortalized by Rob Corrdry: "My job is to spend half the time repeating what one side says, and half the time repeating the other." So what if reality is biased? Not their job to get in the way of obfuscation and say so. **TAP**

*Todd Gitlin's latest book is The Intellectuals and the Flag.*

## WHY DON'T THEY LIKE US?

**AMERICA AGAINST THE WORLD: HOW WE ARE DIFFERENT AND WHY WE ARE DISLIKED** BY ANDREW KOHUT AND BRUCE STOKES Times Books, 259 pages, \$25.00

**ÜBERPOWER: THE IMPERIAL TEMPTATION OF AMERICA** BY JOSEF JOFFE Norton, 271 pages, \$24.95

BY SUZANNE NOSSEL

**A**FTER SEPTEMBER 11, THE BUSH administration identified anti-Americanism as a top priority in the war on terrorism and created a comprehensive plan, including the appointment of a new assistant secretary of state for public diplomacy, to reshape foreign perceptions of the United States. Not surprisingly, the campaign has gone about as well as the Iraq War. Observers of anti-Americanism now see a variety of species—from European condescension to Latin American historical resentment to murderous jihadist impulses in the Mideast—all on the rise, propagating in the fertile environment that Bush's policies have created.

Two new books explore the sources of American unpopularity. *America Against the World*, by Andrew Kohut and Bruce Stokes, focuses on public opinion abroad, while *Überpower: The Imperial Temptation of America* by Josef Joffe concentrates on what elites think. Each book has its limitations, but together they provide a bracing picture of the challenge that America faces.

Kohut, who runs the Pew Research Center for the People and the Press, and Stokes, a columnist for *National Journal*, draw on public-opinion tracking polls that Pew has conducted in fifty countries. In most places surveyed, America's reputation nosedived between 2002 and 2004, though it picked up slightly in 2005. Unhappily, foreigners now blame not just the U.S. government but the American people for the policies they dislike, and a majority of Europeans think that the world would be better off if a second great power, like the European Union, were to challenge American primacy.

According to *America Against the*

*World*, many of the core beliefs that fuel anti-Americanism are based on misperceptions of the American public. For example, while populations abroad suspect that the United States is intent on empire, a majority of Americans surveyed would prefer that their country play a shared global leadership role, rather than a solo one. People overseas, Kohut and Stokes say, shouldn't confuse "the ambitions of America's elites with the attitudes of the American public." But here the authors are victims of their own methodology, which focuses on survey results and pays little attention to the political developments that have given rise to anti-Americanism in the first place.

In identifying Americans with the policies of the government, foreigners are only making a reasonable inference from the facts available to them. By returning Bush to office in 2004, the American people acquiesced in positions that are disliked around the world. It's hardly surprising that foreigners would evaluate Americans on the basis of their actions rather than on the basis of beliefs that Americans may hold but don't (or can't) act upon.

To reach beyond poll results for an explanation of why America is disliked—and a prescription of what to do about it—requires a more detailed probe into the disjuncture between American public opinion and policy. Why hasn't the American public's preference for multilateralism and international law—documented in *America Against the World* and earlier surveys—been able to register in U.S. policy making during the Bush era? Why have Americans supported an aggressive transformative agenda in the Middle East despite a belief that American values and systems should not be im-

posed overseas? The answers are simply beyond the scope of this book.

Joffe, who is the publisher and editor of the German paper *Die Zeit*, offers some insight into the problems in *Überpower*, a sophisticated and compelling analysis of America's international position since 9-11. Given the self-preserving tendencies of hegemonic powers, Joffe argues that it's perfectly logical—even historically inevitable—that the United States would try to extend its own influence and prevent the emergence of any rival. In the process, however, the United States has generated a backlash. Focusing on Europe, Joffe provides a penetrating and even-handed portrayal of the envy and disdain that color elite perceptions of the United States. But just as Kohut and Stokes give too much weight to popular opinion, so Joffe at times falls into the opposite trap of seeing elite opinion as the all-important factor in politics.

Joffe argues intriguingly that elite resentment of the United States stems as much from its economic and cultural influence as from its military and foreign policies. He takes on a well-aired argument by the political scientist Joseph Nye that the United States needs to rely less on armed force and more on "soft power"—a combination of diplomacy, goodwill gestures, and cultural potency. Soft power, Joffe argues, doesn't actually build affinities with America but, on the contrary, "twists minds in resentment and rage."

As an example, Joffe cites the Toubon Law in France that aimed to stanch the spread of American culture by penalizing the use of such English words as "car wash" and "disk jockey." Similarly, Joffe describes in depth the venomous reaction of German art critics when a collection from New York's Museum of Modern Art was exhibited in Berlin in 2004. The critics argued that America had stolen modern art from Europe. "Thus was pilferage and grand theft added to the oldest of indictments: America's cultural inferiority," Joffe writes.

Joffe acknowledges America's power of "seduction" over foreigners. But he maintains that, like an impulsive one-night stand, the attraction quickly sours into repulsion: "We hate the seducer for



seducing us, and we hate ourselves for yielding to temptation.” But Joffe never convincingly establishes that the revulsion toward America is widely felt and acted upon. Notwithstanding the Toubon Law, French scientists now follow the rule “publish in English or perish in French” and a French minister of education announced in 1998 that English should no longer be considered a foreign language in French schools. Joffe also acknowledges that, for all the critical attacks on the Berlin MoMA show, more than a million visitors lined up to see it.

The elite disdain and popular embrace of American culture may be linked. For the popular appeal of America’s language, art, or movies may be precisely what irks cultural guardians and governments. German critics wouldn’t have mounted so vociferous an attack on an exhibit they thought few Berliners would bother to see. Even at the height of the Iraq War, international efforts to boycott U.S. products and brands never gained traction.

Joffe is most convincing when he used the historical experiences of Britain and

Germany to analyze how the United States can fashion a type of superpower leadership that the rest of the world will follow. For the 250 years before World War I, Britain repeatedly sided with the weaker countries on the European continent to counter the rise of potentially threatening powers. According to Joffe, however, the United States will not find it easy to recruit allies to balance a rising China or a threatening Middle East power such as Iran in part because of economic interdependence—need for access to Chinese markets or capital and Iranian oil, for example. More apt to America’s situation, Joffe argues, is Bismarck’s strategy after 1871 of forging an overlapping array of sometimes conflicting alliances and friendships—an approach Joffe calls “bonding” in contrast to Britain’s “balancing.” This strategy allowed Bismarck to envelop virtually every important country in symbiotic relationships that aligned their political and economic interests with his own, deterring the formation of coalitions against Germany. But, as Joffe points out, in the mod-

ern era of shifting threats, keeping other countries enfolded in warm bear hugs requires providing enough goods and benefits so that the embraced are not tempted to wriggle free.

On this model, the task for America involves building relationships bilaterally with many different nations and successfully shaping opinion on both a mass and an elite level. But any such strategy will all come to naught without U.S. policies that other countries can support. Under President Bush, the under secretary for public diplomacy and public affairs Karen Hughes has had an impossible job; perhaps no one in that position could ever have been expected to build respect for America abroad. After all, we once had, not just a single official, but an entire department devoted to that mission. It was called the Department of State. **TAP**

*Suzanne Nossel is a senior fellow at the Security and Peace Initiative, a joint project of The Century Foundation and Center for American Progress.*

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# The Tchotchkes of War

BY STEPHEN KINZER

**T**O SPEND CHRISTMAS IN BAGHDAD IS NOT A DREAM of many travelers, but it was what *The New York Times* assigned me to do in 1998. American bombs were raining down on the Iraqi capital that season, as they did periodically during the 1990s. Each morning I

visited the places that had been bombed the night before.

One day I was trudging through the rubble of a large building that, until a few hours earlier, had been the Ministry of Labor. As I wandered around the site, a piece of twisted metal caught my eye. I picked it up, and found it remarkably heavy and smooth. Soon I realized that this was not debris from the destroyed building, but a fragment of one of the American cruise missiles that had hit it during the night.

I brought that piece of high-tech shrapnel home. It became the first item in an odd collection that I have slowly built. I collect artifacts related to American intervention.

**O**NE OF MY BOOKS ON INTERVENTION is *All the Shah's Men*, which describes the 1953 coup in which the CIA deposed Prime Minister Mohammad Mossadegh of Iran. As soon as I learned that Mossadegh had appeared on the cover of the January 7, 1952, issue of *Time*, I located a copy and bought it.

My search for traces of Mossadegh also took me to Iran, where he died in 1967 after 14 years of prison and house arrest. The shah suppressed all references to him, and the fundamentalist mullahs who run Iran today also have no use for his memory. During the brief interlude between their regimes, however, Mossadegh was once again revered as a national hero. A postage stamp was issued

in his honor. In the sprawling Tehran bazaar, I met a stamp dealer who had one, canceled on the day it was issued, March 19, 1980. It bears a Tehran postmark and the caption, "Birth Centenary of Dr. Mohammad Mossadegh."

Back at home, I carefully cut off the *Time* cover and brought it, along with my first-day stamp, to a framing store. I had the two framed together, and for the rest of that year, while I wrote *All the Shah's Men*, Mossadegh watched over me from the wall next to my desk.

Another visionary leader I came to admire while researching the history of American intervention is José Santos Zelaya, who ruled Nicaragua at the beginning of the 20th century. Zelaya was a crusading reformer, but his nationalism brought him into conflict with American companies, and the United States deposed him in 1909. Today his portrait adorns Nicaragua's 20-cordoba bill. I have one of those bills, mint fresh, in my "intervention collection." Zelaya looks formidably intense, with piercing eyes and an imposing handlebar moustache. Often when I look at this portrait, I wonder how differently Nicaragua might have developed if the United States had found a way to embrace Zelaya and encourage his nation-building project, rather than seeing him

as a threat and forcing him from power.

My most recent book, *Overthrow*, tells the story of the 14 times the United States has overthrown a foreign government—including the cases of Zelaya and Mossadegh. While I was writing it, I developed a special attachment to the 14 target countries. With my collector's impulse, I set out to find a coin from each one.

One of these coins is a quarter-dollar from the Kingdom of Hawaii, dated 1883. It depicts King Kalakaua, the penultimate monarch. Ten years after it was minted, the white "missionary-planter elite," backed by the U.S. Marines, deposed Kalakaua's successor, abolished the monarchy, and ended native rule in Hawaii.

One of my coins depicts a leader who was himself overthrown in a U.S.-backed coup, President Ngo Dinh Diem of South Vietnam. Diem resisted American pressure to launch an all-out war against communist-led insurgents, and that led the Kennedy administration to approve a military coup against him.

**T**HE ITEM IN MY COLLECTION THAT has brought me the most delight is not an object at all, but an experience. It was a remarkable buffet dinner that a resource-

ful caterer assembled for a book party in Boston celebrating the publication of *Overthrow*. Every dish was from one of the 14 countries whose governments the United States has overthrown. They spanned the "regime-change" era, from Hawaiian pineapple to marinated eggplant from Iraq. My personal favorites were the Philippine crab patties and an imposing Cuban pork roast. All was washed down with Chilean wine.

That "overthrow banquet" was the highlight of my book tour. Its pleasure was intense but ephemeral. So is the pleasure the United States takes from deposing foreign governments. **TAP**

*Stephen Kinzer is working on a book about Rwanda and the imperatives of humanitarian intervention.*

